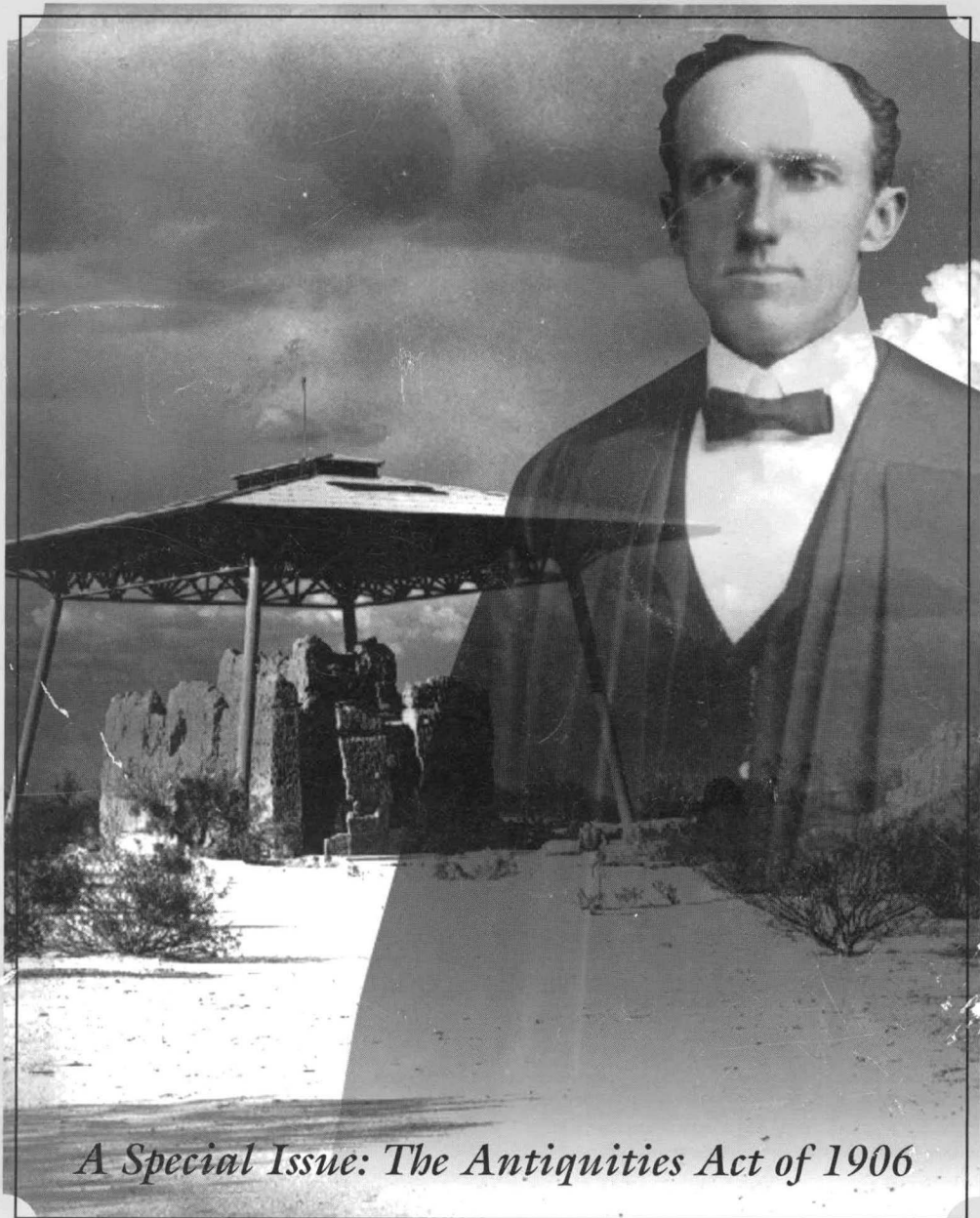


JOURNAL OF THE SOUTHWEST



A Special Issue: The Antiquities Act of 1906

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Cover art: Edgar Lee Hewett (photo courtesy of the Museum of New Mexico, see figure 2, page 272) helped extend the congressional protection accorded Casa Grande in 1892 (photo courtesy of the National Park Service, see figure 26, pages 340–41) to all archaeological sites on “land owned or controlled by the Government of the United States” through his successful efforts to gain passage of the Antiquities Act of 1906.

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AN OLD AND RELIABLE AUTHORITY

An Act for the Preservation
of American Antiquities

RAYMOND HARRIS THOMPSON

A Special Issue of *Journal of the Southwest*

AN OLD AND RELIABLE AUTHORITY

RAYMOND HARRIS THOMPSON

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"An Old and Reliable Authority": Introduction

RAYMOND HARRIS THOMPSON

"An old and reliable authority." Thus did George Benjamin Hartzog (1988: 220), Director of the National Park Service from 1964 to 1972, describe the nation's first archaeological preservation law, the Antiquities Act of 1906. He encouraged Ronald Freeman Lee, Chief Historian of the Park Service from 1938 to 1951, to write a history of that "old and reliable authority" as a part of the preparation for the centennial of Yellowstone National Park in 1972. Lee's study was issued on November 16, 1970, by the Office of History and Historic Architecture at the Eastern Service Center of the National Park Service in Washington. Lee stated that it had "been prepared to fill a gap in knowledge of one of the foundation stones of the National Park Service" and hoped that it "would also throw light on early participation by the Government of the United States in some aspects of historic preservation in America" (Lee 1970: i). Unfortunately, this important study, issued as an in-house publication, has not received the distribution that it deserves, despite the efforts of the National Technical Information Service of the Department of Commerce. Now, more than a quarter century later and on the eve of the centennial of the passage of the Antiquities Act, his valuable research effort is reproduced here in order to fill that "gap in knowledge" in a way that makes his work more widely available.

Ronald Freeman Lee (fig. 1) devoted his entire career to the cause of historic preservation and especially to the development of national policies and programs to further that cause. He was born in Montevideo, Minnesota, on September 18, 1905, just ten months before the passage of the Antiquities Act. His parents, Ernest Powers Lee and Maude Susan Anthony Lee, soon thereafter moved to Dickinson,

RAYMOND HARRIS THOMPSON retired in 1997 as Director of the Arizona State Museum and Fred A. Riecker Distinguished Professor of Anthropology at the University of Arizona.



Figure 1. Ronald Freeman Lee, 1905–1972. (Photo courtesy of the National Park Service History Collections, Harpers Ferry Center.)

North Dakota, where Ronnie was educated in the public schools. He attended the University of Minnesota (B.S., Economics, 1927) and the University of Chicago (M.A., American History, 1929). He taught history at La Salle (Illinois) Junior College (1929–31) before returning to Minnesota in 1931 for doctoral studies in history. He was a teaching fellow at Minnesota until June 1933, when he began his long association with the federal government by accepting Depression-era government employment, as did many of his fellow students. He was assigned as a historical foreman to a Civilian Conservation Corps program at Shiloh National Military Park in Tennessee. He laid the foundation for the later interpretation of the Civil War Battle of Shiloh for the visiting public. The following year, he was transferred to the Branch of History of the National Park Service in Washington.

After the passage of the Historic Sites Act of 1935, he began his lengthy career in historic preservation as assistant to Verne Chatelain, newly appointed first Chief Historian of the Park Service, whom he replaced in 1938. During his 13 years as the second Chief Historian, Lee played a critical role in the development of the nation's policy on historic preservation as mandated by the Historic Sites Act of 1935. He helped found the National Trust for Historic Preservation and for many years was the secretary of its board. As Assistant Director of the Park Service (1951–53) he was a key figure in the framing of the National Preservation Program out of which came the National Historic Preservation Act of 1966, an act that greatly expanded and clarified the policies established by the Historic Sites Act three decades earlier.

In 1953 Lee became Director of the newly established Division of Interpretation, responsible nationwide for communication with the public through publications, museum exhibits, and educational programs. This responsibility enabled him to contribute significantly to many aspects of Mission 66, the decade-long program begun in 1956 to upgrade all units in the National Park system. He was deeply involved in the creation of the National Survey of Historic Sites and Buildings in 1957, which led to the National Register of Historic Landmarks. From 1960 until his retirement in 1966, he was Director of the Northeast Region in Philadelphia, where his work included seashore and lakeshore programs and urban parks in addition to historic preservation. From 1961 to 1970 Lee served on the Park Service Legislative Task Force, and from 1966 to 1971 he was chair of a special committee on historic preservation.

For many years Lee was the principal liaison to the Secretary of the Interior's Advisory Board on National Parks, Historic Sites, Buildings, and Monuments, and he often played a lead role for the Park Service in international matters. In 1947 he was the U.S. representative to a UNESCO committee on artistic and historic monuments and later became a member of ICOMOS (International Council on Monuments and Sites). He was a columnist for *History News*, the journal of the American Association for State and Local History (1966–71). He served as a Trustee of the National Trust for Historic Preservation, the American Scenic and Historic Preservation Society, and the Theodore Roosevelt Association and was a member of many professional and civic organizations. The American Scenic and Historic Preservation Society honored him on two occasions: in 1952 with the Cornelius Amory Pugsley Medal for his work in conservation and in 1961 with the George McEneny Medal for his distinguished record of leadership in the preservation of historic sites. The Eastern National Parks and Monuments Association has established a Ronald F. Lee Graduate Fellowship.

Lee was a staff sergeant in the Army Air Force during World War II, serving in England as an instructor in the maintenance and operation of the Norden bombsight and the automatic pilot used in bombing raids. On October 24, 1942, he married Jean Pochaska in Denver, Colorado. They had no children. Ronnie Lee died August 15, 1972. *The Ronald F. Lee Papers*, including the notes for his research on the Antiquities Act, are housed in the National Park Service History Collection, Record Group 19 at the Harpers Ferry Center in West Virginia.

This study of the “old and reliable authority” has three parts. Part 1 is Lee’s history of the Antiquities Act of 1906 (Lee 1970). Very few editorial changes have been made. References, dates, titles, names, and places have been modernized and corrected and substantive footnotes have been added to the text. The only departure from Lee’s text is at the beginning of the second section, where I use information from Lange and Riley’s (1996) biography of Bandelier that was not available to Lee. No figures have been added to his unillustrated text. Editorial changes, insertions, and recent references are indicated by brackets []. Archaeology is spelled with the digraph except in quotations and titles, even though Lee often used the stripped-down form adopted long ago by John Wesley Powell for government use (Thompson 1990). Part 2 is my reconstruction of Hewett’s role in the political process that resulted in the adoption of the Antiquities Act (figs. 2–13). References

for both parts are combined in one list, with those used by Lee indicated by an asterisk. References in Part 2 to Lee's paper are to the 1970 edition; italic numbers following refer to pages in Part 1 of this volume. Part 3 (figs. 14–38) is a portfolio of George Alexander Grant's photographs of early national monuments in the Southwest proclaimed under the authority of the Antiquities Act. From 1929 to 1954, Grant was the first official photographer for the National Park Service. A self-taught photographer, he documented Park Service units throughout the West with great technical skill and fine aesthetic expression. His photographs have a soft and luminous character that give his images "an appearance of unsurpassed beauty and excellence" (Sawyer 1986: 8).

This effort is the product of my belief that Lee's study deserves a wider distribution, my long-term desire to write about the "old and reliable authority," the freedom of retirement, the availability of archival materials, and the encouragement of friends and colleagues. Curtis Hinsley and Nancy Parezo generously shared with me the fruits of their archival gleanings, without which the reconstruction of the "antiquities bill alliance" would not have been possible. I am most grateful for the encouragement, information, critical comment, photographic assistance, and editorial advice that I have received from Johanna Alexander, David Anderson, Kirsteen Anderson, Jeff Banister, LaVaughn Bresnahan, David Burgevin, Madelyn Cook, Hester Davis, Tom Durant, Edwin Ferdon, Don Fowler, Carol Gifford, Curtis Hinsley, Laura Holt, Anne James, Martha Labell, Susan Luebbermann, Charles R. McGimsey III, Francis McManamon, Robin Meador-Woodruff, Lynn Mitchell, James Muhn, David Nathanson, Debra Neiswonger, Arthur Olivas, Nancy Parezo, Jefferson Reid, Khaleel Saba, Leah Sandwell-Weiss, Ruth Selig, Lyle Slovic, James Snead, Gary Stumpf, Ellen Sulser, Jeff Thomas, Vyrdis Thomas, Molly Thompson, Diana Thor, Gwinn Vivian, Thomas Weaver, David Wilcox, Joseph Wilder, Stephen Williams, Elizabeth Winroth, and Richard Woodbury.

PART ONE



The Antiquities Act of 1906

by Ronald Freeman Lee

Edited by **RAYMOND HARRIS THOMPSON**

BEGINNINGS OF PUBLIC INTEREST IN AMERICAN INDIAN ANTIQUITIES

The abandoned and ruined dwellings of prehistoric man in the American West had aroused the interest and comment of explorers and colonizers for centuries. Not until after the Civil War, however, did these ruins, and the continuing discovery of still others, attract the serious attention of the eastern scientific community. Public interest in the continent's ancient civilizations brought about no less than five significant developments portentous for American archaeology in the single year of 1879. They mark 1879 as the beginning of the movement that led, a quarter of a century later, to adoption of the Antiquities Act as the first national historic preservation policy for the United States.

In this year Congress authorized establishment of the Bureau of Ethnology, later renamed the Bureau of American Ethnology, in the Smithsonian Institution to increase and diffuse knowledge of the American Indian. Major John Wesley Powell, who had lost his right arm in the Battle of Shiloh and who in 1869 had led his remarkable boat expedition through the Grand Canyon of the Colorado River, was appointed its first director (Hellman 1967: 105–6 [Hinsley 1981; Merrill 1935b]). He headed the Bureau until his death in 1902. During this long period, he and his colleagues became a major force for the protection of antiquities on federal lands.

Five years earlier, in 1874, Frederic Ward Putnam had begun his long and distinguished career as Curator of the Peabody Museum of American Archaeology and Ethnology at Harvard. For Putnam, 1879 marked the appearance of a superbly illustrated book he had edited devoted to the ruined pueblos of Arizona and New Mexico and the archaeology and ethnology of the Indians of Southern California. This

was Volume VII, *Archaeology*, of the *Report upon United States Geographical Surveys West of the One Hundredth Meridian* (Putnam 1879). For the next thirty-five years, until his death in 1915, Putnam profoundly influenced the rise and development of anthropology in America and served on several committees and boards concerned with federal legislation to protect American antiquities (Dixon 1935 [Tozzer 1935]).

In 1879 the American Association for the Advancement of Science for the first time elected an anthropologist as its president. He was Lewis Henry Morgan, then the foremost student in the United States in the comparatively new field of anthropology [Hodge 1934; Resek 1960; Tooker 1985]. Among many other works, he was the author of *Ancient Society*, published in 1877 to wide acclaim in both America and Europe (Morgan 1877; Lange and Riley 1966: 4). Frederic W. Putnam was also very active in the affairs of the Association. He served as its permanent secretary from 1873 to 1898, when he became president. During this period the Association inaugurated its Section H, in which growing numbers of students of anthropology gathered each year to read papers and discuss ideas. Eventually the Association established an influential committee to work for legislation to protect antiquities on federal lands.

On February 10, 1879, a group of interested persons, called together by Professor Otis Tufton Mason of Columbian College [since 1904 George Washington University] and others, assembled in the Regents' Room of the Smithsonian Institution and founded the Anthropological Society of Washington (Hough 1908). In 1887 it was incorporated "for the term of one thousand years" (Anonymous 1888a: 368) and in 1888 began publishing *The American Anthropologist*. This Society drew support from the anthropologists, ethnologists, and geologists then being brought into the federal government as well as from many other persons active in the life of the national capital (Anonymous 1888b: 382-86). In 1902 members of the ASW, as it became known, formed part of a group that founded the American Anthropological Association, and *The American Anthropologist* was adopted by the national organization as its official journal. The American Anthropological Association, in turn, provided crucial support for the American Antiquities Act in 1906.

Lastly in 1879, Charles Eliot Norton, professor of the history of art at Harvard and for a quarter century one of its most influential scholars and teachers (Moore 1934 [Turner 1999]), with the help of friends and associates in and around Boston, founded the Archaeological Institute of America [Sheftel 1979]. Among those close friends was historian Francis Parkman. Almost thirty years before, as a young graduate of Harvard, Norton had helped the nearly blind Parkman prepare his first important work, *The California and Oregon Trail*, for publication (Parkman 1849). As one of Parkman's classmates at Harvard wrote long afterward, he "even then showed symptoms of 'Injuns' on the brain" (Adams 1934). He upheld the cause of American archaeology in its continuing struggle with classical archaeology for support from the Institute. Other leading members in early years included William Watson Goodwin, professor of Greek literature at Harvard from 1860 to 1901 and first director of its American School of Classical Studies in Athens (1882–1883); Russell Sturgis, architect, critic and writer; Alexander Agassiz, well-known zoologist and oceanographer, the son of Jean Louis Agassiz; and Henry Williamson Haynes [a Bostonian with great interest in archaeology], who for more than twenty years kept the Institute's members accurately informed about the progress of American archaeology (Norton and others 1880).

The purpose of the Institute was to promote and direct archaeological research, both classical and American; maintain schools for young classical scholars in Athens, Rome, and Palestine; publish the results of archaeological explorations and research; and hold meetings and sponsor lectures on archaeological subjects (Kelsey 1906: 338). Classical archaeology received substantially the larger support, but the Executive Committee from the beginning also held the view that "the study of the aboriginal life in America is essential to complete the history of the human race, as well as to gratify a legitimate curiosity concerning the condition of man on this continent previous to its discovery" (Norton and others 1885: 32).

In formulating its very first project in the field of American archaeology, the Institute turned naturally for advice and assistance to Lewis Henry Morgan. He believed that the most promising field for exploration was the social organization, usages, and customs of the Pueblo tribes of Indians and the architecture of the structures they occupied [some of which he had seen on a trip to the Southwest in 1878 (White

1942)]. “With the light thus gained,” the Council of the Institute reported in 1885, “he thought a careful exploration and survey should be attempted of the numerous remains of similar structures still to be found, especially in the San Juan region, near the point where Colorado, Utah, New Mexico, and Arizona join; and in other parts of New Mexico and Arizona” (Norton and others 1885: 30–31). Morgan drew up a comprehensive scheme of the methods for prosecuting such an exploration, and he suggested that it should later be extended to the imposing ruins in Mexico, Central America, and Yucatan. He emphasized the importance of architectural history and advanced the unique theory that “all the various ruined structures on this continent can be explained by the analogies of the existing communal buildings of New Mexico. Springing from a common mind, these exhibit only different stages of development, and form one system of works, from the Long House of the Iroquois to the Joint-Tenement structures of the Aztecs and Mayas” (Norton and others 1885: 32). This is the [Institute] Council’s interpretation of Morgan’s views.

Not only did Morgan outline a program, he also recommended an investigator. Adolph Francis Bandelier [Kidder 1928; Lange and Riley 1996] of Highland, Illinois, then forty years old, was born in Berne, Switzerland, but his family moved to America in 1848 and settled in Illinois. As a youth an ardent naturalist, he returned to Berne in 1855 and studied geology under Professor Streder at the University. Here, too, he met Alexander von Humboldt, who impressed him deeply. Back in America in the late 1850s, Bandelier turned to the study of history and ethnology, at first in his spare time, and acquired valuable knowledge of several European languages and of linguistics generally. Beginning in 1877, he published several scholarly works on the ancient Mexicans through the Peabody Museum at Harvard (Norton and others 1885: 33) and also became known to Frederic W. Putnam. With the help of Parkman, Putnam and Morgan overcame Norton’s reluctance and led the Institute to engage Bandelier to undertake its first project in American archaeology—an exploration in the Southwest exactly as recommended by Morgan (Lange and Riley 1966: 16).

In August 1880, after calling on John Wesley Powell in Washington, D.C., Bandelier journeyed to New Mexico and began a preliminary study of the great ruined pueblo of Pecos, about 30 miles southeast of Santa Fe. Knowledge of relevant Spanish documents persuaded Bander-

lier that Pecos had first been visited in 1540 by Alvarado, Coronado's lieutenant, during his search for the "Seven Cities of Cibola." Making elaborate architectural measurements of the ruins, Bandelier concluded that Pecos was "probably the largest aboriginal structure within the United States, so far described" (Norton and others 1885: 34). He promptly wrote an account of his first season's work (Bandelier 1881).

In Bandelier's report appeared these striking sentences on the condition of the great Pecos ruin in 1880 (Bandelier 1881: 42):

Mrs. Kozlowski (wife of a Polish gentleman, living two miles south on the arroyo) informed me that in 1858, when she came to her present home with her husband, the roof of the church was still in existence. Her husband tore it down, and used it for building out-houses; he also attempted to dig out the cornerstone, but failed. In general the vandalism committed in this venerable relic of antiquity defies all description. . . . All the beams of the old structure are quaintly . . . carved . . . much scroll work terminating them. Most of this was taken away, chipped into uncouth boxes, and sold, to be scattered everywhere. Not content with this, treasure hunters . . . have recklessly and ruthlessly disturbed the abodes of the dead.

Bandelier's revelation of the great historical interest and incredible neglect of Pecos aroused wide interest and deep concern among the members of the Archaeological Institute of America and their friends, who noted that Pecos was of such great antiquity that it was "even older than Boston." Marshall Pinckney Wilder, president of the New England Historic Genealogical Society, and a far-sighted, scholarly but practical man undertook to do something about Pecos. He had been one of the founders of the Massachusetts Institute of Technology and the Massachusetts Agricultural College as well as a leader in the Massachusetts Horticultural Society (Kellar 1936). His interest in history and antiquities was of long standing, as was that of the Historic Genealogical Society's Corresponding Secretary, Edmund Farwell Slafter, for forty years a dedicated editor of source materials on American history [Evans 1935].

Supported by the Society's membership, Wilder and Slafter determined to raise in the Congress of the United States for the first time the whole question of legislation to protect American antiquities on federal lands. They decided to prepare a petition to Congress and to

persuade Senator George Frisbie Hoar of Massachusetts to present it. They had reason to anticipate his sympathetic interest. He had served in Congress since 1869 and the Senate since 1877. He served for several years as a trustee of the Peabody Museum of Archaeology and Ethnology, an overseer of Harvard College, a regent of the Smithsonian Institution, and president of the American Antiquarian Society and the American Historical Association (Haynes 1932).

On May 10, 1882, Senator Hoar presented the petition on the floor of the Senate (U.S. Congress 1882: 3777):

Historic Genealogical Society
Society House, (18 Somerset Street,)
Boston, Massachusetts, May 8, 1882.

To the honorable the Senate of the United States:

Your memorialists, the members of the New England Historic Genealogical Society, would respectfully represent:

That there are in the Territories of New Mexico and Arizona twenty-six towns of the Pueblos Indians, so called, in all containing about ten thousand inhabitants; that the number of their towns was once very much greater; that these remaining are the remnants of very ancient races in North America, whose origin and history lie yet unknown in their decayed and decaying antiquities; that many of their towns have been abandoned by the decay and extinction of their inhabitants; that many of their relics have already perished and so made the study of American ethnology vastly more difficult; that the question of the origin of those Pueblos and the age of their decayed cities, and the use of some of their buildings, now magnificent ruins, constitute one of the leading and most interesting problems of the antiquary and historian of the present age; that relic-hunters have carried away, and scattered wide through America and Europe the remains of these extinct towns, thus making their historic study still more difficult, and, in some particulars, nearly impossible; that these extinct towns, the only monuments or interpreters of these mysterious races, are now daily plundered and destroyed in a most vandal way; that, for illustration, the ancient Spanish cathedral of Pecos, a building older than any now standing anywhere within the thirteen original States, and built two years before the founding of Boston, the metropolis of New England, is being despoiled by

the robbery of its graves, while its timbers are used for campfires, sold to relic-hunters, and even used in the construction of stables.

Your memorialists therefore pray your honorable body that at least some of these extinct cities or pueblos, carefully selected, with the land reservations attached and dating mostly from the Spanish crown, of the year 1680, may be withheld from public sale and their antiquities and ruins be preserved, as they furnish invaluable data for the ethnological studies now engaging the attention of our most learned scientific, antiquarian, and historical students.

Marshall P. Wilder,
President of the New England Historic
Genealogical Society

Edmund F. Slafter
Corresponding Secretary of the New England
Historic Genealogical Society

Senator Hoar noted that not only this society but also the American Antiquarian Society and others in New England and elsewhere were now paying great attention to "this matter of ethnology," and spending large sums on researches in Yucatan, Mexico, and the western Territories. By reserving selected lands from public sale and protecting these antiquities from ruthless destruction, the Government could, at small cost, give much aid to their researches. He moved that the petition be referred to the Committee on Public Lands.

The issue was new in Congress, and in spite of the high character of the sponsors it received a reserved response from Kansas Senator Preston B. Plumb [initial B added to improve appearance of his signature], the recently designated chairman of the Senate Committee on Public Lands [Stephenson 1935]. Speaking on the floor of the Senate, even before his Committee had deliberated on the subject, Senator Plumb foresaw serious difficulties. He had visited Pecos, he said, and did not question its antiquity or the reported vandalism. But the southwestern country contained many similar ruins. It would be impossible for the government to protect them all. It would be better, he thought, for interested societies "to avail themselves of the license which now exists of going to the different localities and gathering up the relics, as I know has been done." He mentioned that such a party had been sent out from Philadelphia the previous year "and got some very significant relics," and that other expeditions had been sent out from Yale Col-

lege. Furthermore, he said, "I have no doubt that there are today many curiosities under the control of tribes who have a right to the land . . . as sacred under the law as that of any man to his property, and which, by reason of their occupancy, will be preserved" (U.S. Congress 1882: 3777).

The petition was nevertheless referred to Plumb's committee, where it quickly died. Many years were to pass, and much more vandalism and pot-hunting were to occur, before Congress was ready to act to stop it. But the preservation issue had been officially raised, and that was a significant first step.

SAVING CASA GRANDE, 1889

After Senator Hoar's effort failed in 1882, seven years elapsed before another archaeological preservation proposal reached Congress. These years witnessed a steady extension of knowledge and deepening of public interest in American archaeology and ethnology. Bandelier had continued his investigations not only in the Southwest but also in Mexico. [In 1881] the Archaeological Institute of America sent him to join the Frenchman, Désiré Charnay (1863 [Davis 1981]), on the Lorrillard Expedition to the Mayan and Toltec ruins (Norton and others 1881: 23–24; Haynes 1889: 98). Bandelier just missed meeting Charnay [in Veracruz, where he learned that the expedition was being disbanded. He met with Charnay in Mexico City the next day and came away from that meeting with a very poor impression of his French colleague (Lange and Riley 1996: 58)].

Bandelier's principal efforts during this period, however, focused on the American Southwest. In 1883 the Institute reported his progress in its Bulletin. "I have not only spent considerable time among those pueblos now occupied," wrote Bandelier, "but have surveyed, explored, drawn, and photographed in part, the ruins of forty-five more. Their group plans, with details of architecture, are so far ready for reproduction. Besides, I have seen, without being able to measure them, eight more destroyed villages, and the locality of more than sixty has been stated to me by trustworthy persons, together with many details of their former condition and arrangement" (Bandelier 1883: 17).

Although he also produced several other works during this period, Bandelier's main contribution to the program of the Archaeological Institute of America was an important two-volume work entitled *Final*

Report of Investigations among the Indians of the Southwestern United States, Carried Out Mainly in the Years from 1880 to 1885 [which] aroused wide interest (Bandelier 1890b, 1892).

During these years, Frederic W. Putnam, among his many other activities, rescued prehistoric Serpent Mound in Adams County, Ohio, a 1,300-foot-long earthen effigy of a serpent swallowing an egg, and made it probably the first archaeological preservation project in the United States. This remarkable effigy had been discovered by Ephraim George Squier and Edwin Hamilton Davis in 1845 during extensive studies of the ancient mounds and earthworks of the Mississippi Valley, and their findings were subsequently published by the Smithsonian Institution as the first volume of its *Contributions to Knowledge* series (Squier and Davis 1848). In 1883 Putnam became much interested in Serpent Mound. Situated on ground owned by John L. Lovett, it was “in deplorable condition.” Putnam returned to Boston with great enthusiasm for the importance of this antiquity and with equal determination to preserve it. In 1885 he interested Alice Cunningham Fletcher [Martens 1931; Mark 1988] in the project. Through her efforts, aided by Francis Parkman and Martin Brimmer, another active member of the Archaeological Institute [involved with Norton in fund raising for the Boston Museum of Fine Arts], nearly \$6,000 was raised. With this sum Putnam purchased the property, embracing some 65 acres, and placed the title in the names of the trustees of the Peabody Museum. Among the trustees was Senator Hoar, sponsor in the Senate of the 1882 petition. Putnam spent three summers exploring the Serpent Mound and its vicinity. In 1900 the title to the site was deeded to the Ohio Archaeological and Historical Society for “perpetual care . . . as a free public park forever” (Anonymous 1906c [Putnam 1888, 1890]). [“In a letter to his wife, Putnam described this accomplishment as the greatest act of his life” (Schafer 1999).]

Under John Wesley Powell’s direction, the Bureau of Ethnology was, of course, very active during this period. *Annual Reports* of the Director were regularly published with a summary of accomplishments, together with special papers on various topics by different scientists attached to its staff, including ethnologist Frank Hamilton Cushing. There was also a series of *Bulletins* and one of *Contributions*. These important publications attracted wide interest. Also during this period, in 1881, Charles Rau was made curator of the Department of Archaeology in the [United States] National Museum and contributed much to the diffusion of knowledge about American archaeology.

It was a Boston-sponsored project, however, that led to the establishment of Casa Grande as the first federal archaeological reservation. Mary Tileston Hemenway of Boston was well known about this time for her generosity in supporting a number of important charitable educational and cultural enterprises (Brockett 1932). In 1876, for example, she had given \$100,000 to help save Old South Meeting House from destruction and establish it as a historical center. Beginning in 1886 and continuing for many years she also sponsored the Hemenway Southwestern Archaeological Expedition, which undertook the systematic exploration of Indian antiquities in the Salado and Gila Valleys in Arizona. Frank H. Cushing [Hough 1930], of the Bureau of Ethnology in the Smithsonian Institution, had visited New England in 1882 and 1886 accompanied by Zuni and Hopi Indians and aroused much public interest in Southwestern Indian history and antiquities. Now he was invited to lead the new expedition. During the next two years explorations went steadily forward and on April 15, 1888, the *Boston Herald* carried an account of some of Cushing's discoveries (Baxter 1888). This account was later published as a pamphlet and helped to crystallize the interest of some of the leading citizens of Massachusetts in Southwestern antiquities (Van Valkenburgh 1962: 11 [Cushing 1995]).

Known as an ancient landmark for almost two centuries, Casa Grande to these persons seemed to be a prime candidate for preservation. It was first mentioned by the Jesuit Father Eusebio Kino, who said mass within its walls in November 1694 and again visited it in 1697 and 1699. It was Father Kino who named the principal structure of the extensive prehistoric ruined pueblo Casa Grande, or "great house." In Kino's time this massive four-story structure was roofless. By October 31, 1775, when [Franciscan Fray] Pedro Font visited it, the four stories had eroded to three, but outlying structures were fairly well preserved. Seventy-seven years later, when John Russell Bartlett visited it on July 12, 1852, the principal structure was little changed but the outlying buildings had been reduced to mounds (Van Valkenburgh 1962: 11 [Clemensen 1992; Wilcox and Shenk 1977; Wilcox and Sternberg 1981]). As Casa Grande became better known, the rate of its deterioration appeared to have sharply accelerated. By 1889, its condition had become extremely serious.

On January 30, 1889, fourteen citizens of Boston and vicinity addressed a petition to the U.S. Congress urging the enactment of legislation to protect Casa Grande from further destruction or injury. Again

they turned to Senator Hoar, who presented it on their behalf on February 4, 1889. He must have put this memorial forward with much greater assurance of success than the petition of 1882. Unlike the earlier petition, which called for general legislation affecting all public lands, this memorial asked only for the preservation of one conspicuous ancient landmark, at small expense. [In mid-January, Cushing traveled to Washington to lobby for this memorial (Hinsley and Wilcox 1995: 532).]

The petition read as follows (U.S. Congress 1889):

To the Congress of the United States:

The undersigned respectfully represent that the ancient and celebrated ruin of Casa Grande, an ancient temple of the prehistoric age of the greatest ethnological and scientific interest situated in Pinal County, near Florence, Arizona Territory, upon section 16 of township 5 south, range 8 east, immediately to the north of the first standard south, Gila and Salt River base, and about two miles south of the Gila River, is at present entirely unprotected from the depredations of visitors and that it has suffered more in eleven years from this source than in the three hundred and fifty years preceding; and,

Your petitioners, believing that this ruin is worthy of the care of Government, respectfully pray that it may be protected by proper legislation from destruction or injury.

Boston, January 30, 1889.

Oliver Ames	Anna Cabot Lodge	John Fiske
Mary Hemenway	Francis Parkman	John G. Whittier
Mary B. Claflin	Edward E. Hale	Wm. T. Harris
William Claflin	O. W. Holmes	W. F. Barrett
R. Charlotte Dana	Samuel Dalton	

The exceptional prominence of the signers merits notice. In addition to Mary Hemenway, the name of Francis Parkman again appears among the petitioners. The list includes Oliver Ames, Governor of Massachusetts; Anna Cabot Lodge, whose husband, Henry Cabot Lodge, had the year before published a two-volume life of George Washington; and John Fiske, popular writer and lecturer who tried to interpret American history according to the new Darwinian principles of evolution. John Greenleaf Whittier and Oliver Wendell Holmes are there

too, with other signers also distinguished in their respective ways. Direct descendants of most of these signers continue active in historic preservation circles in Massachusetts to the present day.

This memorial proved effective. Congress at once moved to provide for the protection and repair of Casa Grande in an appropriation act approved March 2, 1889 (25 Stat. 961). Not only did this legislation appropriate \$2,000 to enable the Secretary of the Interior to repair and protect Casa Grande, it also authorized the President to reserve the land on which the ruin was situated from settlement and sale. Although repair work soon began, it took three years to establish the reservation. On June 22, 1892, President Benjamin Harrison signed an executive order, recommended to him by the Secretary of the Interior [John Willick Noble] at the request of the Director of the Bureau of Ethnology [John Wesley Powell], reserving the Casa Grande Ruin and 480 acres around it for permanent protection because of its archaeological value (Sullivan 1947: 140). Thus was established the first formal national archaeological reservation in U.S. history.

GROWTH OF INTEREST IN AMERICAN INDIAN ANTIQUITIES, 1889–1906

Public and scholarly interest in American Indian antiquities grew rapidly after 1889, in spite of a lull during the depression years of 1893–1897. As early as 1885, Charles Eliot Norton and his associates in the Archaeological Institute of America saw the need for affiliated groups in cities other than Boston. In that year they admitted chapters from Baltimore and New York. By 1898 there were affiliated groups in Philadelphia, Chicago, Detroit, Minneapolis, Madison, Pittsburgh, Cincinnati, Cleveland, and Washington, D.C. During the next few years, nine more chapters were added, among them societies in Colorado, Utah, and Washington and two in California (Norton and others 1885, 1890; Low 1896). Members of these flourishing groups came from influential circles, in widely distributed Congressional districts, and their articulate support impressed Congressional committees when legislation to protect antiquities came before Congress (U.S. Congress 1906b: 2).

The possibility of a national organization of anthropologists was broached within Section H of the American Association for the Advancement of Science as early as 1896. In that year, Franz Boas, often

called the founder of modern anthropology, organized the Anthropological Club in New York. In 1899 it was amalgamated with the virtually dormant American Ethnological Society and infused with new vitality. About the same time the Anthropological Society of Washington, originally formed in 1879 and sponsor of *The American Anthropologist*, further strengthened itself by inducting the 49 members of the Women's Anthropological Society of America, which had been a parallel group for a number of years. Although leaders in the American Association for the Advancement of Science tended to resist formation of separate national bodies for each discipline, the Geological Society of America, the American Chemical Society, and the American Society of Naturalists had nevertheless been successfully launched before 1900. After some initial differences between W J McGee [William John, but he always used W J without periods; Fontana 2000; Hough 1933] and Franz Boas, the anthropologists of Washington and New York agreed on the form of a national organization, and the American Anthropological Association was founded on June 30, 1902 (Anonymous 1903; Stocking 1960). A committee of the new Association was to play a key role in formulating antiquities legislation in 1905–1906 (Anonymous 1906b: 504; Hewett 1906b).

Public interest in American archaeology was further aroused by three widely admired international exhibitions. In 1892 the Columbian Historical Exposition was held at Madrid, Spain, to commemorate the four hundredth anniversary of the discovery of America by Christopher Columbus. The exposition, according to Walter Hough of the National Museum, exhibited “the greatest collection of Americana ever under one roof” up to that time. The United States section occupied six rooms, embracing a long list of exhibitors, including the National Museum and the Bureau of Ethnology. One large hall was devoted to collections brought from the American Southwest by Jesse Walter Fewkes, who [in 1889 replaced] Frank Cushing in the work of the Hemenway Southwestern Archaeological Expedition. Sand pictures and altars were exhibited for the first time with other objects, both ancient and contemporary, from the Hopi tribe representing the sedentary Indians of the southwestern United States. The exhibit won high praise, and a catalogue was published by the U.S. Government as part of its official report (Haynes 1900: 19; Hough 1893).

A much larger public exhibition of American Indian antiquities was featured the next year, 1893, at the World's Columbian Exposition in

Chicago. The planning and execution of this exhibition had fortunately been placed in charge of Frederic W. Putnam. As early as 1891, the work of gathering material was begun, and eventually as many as one hundred persons were employed in making collections, which came from Greenland and Labrador; from Alaska and Canada; from [about half of] the Indian tribes of the United States; and from the West Indies, Yucatan and other parts of Mexico, Honduras, Ecuador, Peru, Bolivia, and even Patagonia. Younger anthropologists later to become well known joined the undertaking, including Franz Boas, chief assistant to Putnam, and William Henry Holmes, who succeeded John Wesley Powell as Chief of the re-named Bureau of American Ethnology in 1902. Such an exhibit of the ethnology and antiquities of the New World had never been seen before and excited wide interest. The major portion of the collections remained in Chicago after the exposition closed and formed the foundation of the Field Columbian Museum, a direct outgrowth of the World's Fair (Haynes 1900: 20–21). The Louisiana Purchase Exposition, held in St. Louis in 1904, provided another highly impressive display of Indian antiquities and whetted public interest still more.

During this period the National Museum substantially enlarged its collections, and public museums of archaeology and ethnology were founded in several other major cities, several in affiliation with universities. In 1889 a Museum of American Archaeology was established in Philadelphia by the University of Pennsylvania. In 1894 the anthropology program of the American Museum of Natural History in New York City was much strengthened when Frederic W. Putnam accepted charge of it, in addition to his duties at Cambridge, and brought in Franz Boas to work with him. By 1906 anthropological collections that included American Indian antiquities were also on display, among other places, at the Yale University [Peabody] Museum in New Haven, the Brooklyn Institute Museum, [the R. S. Peabody Foundation at] Phillips Academy in Andover, Massachusetts, the Delaware County Institute of Science, the Ohio State Archaeological and Historical Society in Columbus, the Minnesota Historical Society, the Milwaukee Public Museum, the University of California at Berkeley, and the Bishop Museum in Hawaii. These and other evidences of burgeoning national interest in anthropology were fully described in a comprehensive presentation to the [International] Congress of Americanists held in Quebec in 1906. Entitled "Recent Progress in American Anthropology: A Review of the

Activities of Institutions and Individuals from 1902 to 1906," it was subsequently published in *The American Anthropologist*, where it occupied more than one hundred pages (Anonymous 1906b).

Published reports of new archaeological discoveries further aroused public interest. Some were popular accounts, such as *The Land of the Cliff-Dwellers* by Frederick Hastings Chapin (1892), *Some Strange Corners of Our Country* by Charles Fletcher Lummis (1892), and Bandler's (1890a) fictionalized story, *The Delight Makers*. Equally important were the scholarly publications issued each year by the Bureau of Ethnology (renamed the Bureau of American Ethnology in 1895), the National Museum, and the Peabody Museum [at Harvard], and the professional journals and papers sponsored by the Archaeological Institute of America and the Anthropological Society of Washington and its successors. Through these channels, for example, Victor Mindeleff (1891 [Longacre 1999; Nabakov 1989]) published his "Study of Pueblo Architecture in Tusayan and Cibola" and Cosmos Mindeleff (1896, 1897) his descriptions of the "Aboriginal Remains in the Verde Valley, Arizona" and "The Cliff Ruins of Canyon de Chelly, Arizona." Among many other professional writings, Jesse Walter Fewkes described his "Archeological Expedition to Arizona in 1895" and his explorations in "Pueblo Ruins near Flagstaff, Arizona" (Fewkes 1898, 1904). Walter Hough (1902, 1903) described the work of the Museum-Gates Expedition in "Archeological Field Work in Northeastern Arizona" in the report of the National Museum for 1901 [and in] a popular account in *Harper's Magazine* entitled "Ancient Peoples of the Petrified Forest of Arizona." These and accounts of other antiquities by such investigators as Cushing, Frederick Webb Hodge, and Edgar Lee Hewett were eagerly read by a growing constituency of anthropologists, curators, and educated laymen.

Meanwhile, the discipline of anthropology was establishing itself in colleges and universities. In 1899, George Grant MacCurdy, instructor in prehistoric anthropology at Yale University, reported to Section H of the American Association for the Advancement of Science on the "Extent of Instruction in Anthropology in Europe and the United States." He found that in Europe 37 institutions offered instruction in anthropology with a teaching force of 58, while in the United States 11 institutions offered instruction with a teaching force of 17. In this comparison the United States did not fare badly (MacCurdy 1899). Frederic W. Putnam played an important role in this movement, training future

anthropologists at Harvard and the Peabody Museum and helping organize new departments in other universities. Thus in 1901 Putnam participated in organizing a Department of Anthropology under Alfred Louis Kroeber at the University of California in Berkeley (Anonymous 1906b: 483–85). Putnam's committee in this enterprise included Benjamin Ide Wheeler, president of the University, with whom Newton Bishop Drury, a future director of the National Park Service, was later closely associated, and John Campbell Merriam, then a young assistant professor, later to serve as the influential chairman of the committee whose work between 1928 and 1935 laid a broad foundation for the interpretive program of the National Park Service. Nearly all these people went formally on record with Congressional committees in support of the Antiquities Act of 1906.

VANDALISM AND COMMERCIALIZATION OF ANTIQUITIES, 1890–1906

Rising public interest in the history and art of the Southwestern Indians in the 1890s was accompanied by a swelling demand for authentic prehistoric objects. The desires and needs of growing numbers of collectors and dealers, exhibitors and curators, teachers and students, added to the native curiosity of cowboys, ranchers, and travelers, created an avid demand for original objects from the cliff dwellings and pueblo ruins of the Southwest. Most of these ruins were situated on public land or Indian reservations. There was no system of protection and no permit was needed to dig. Professional archaeologists were few in number; in America their science was in its infancy and little known to the public. The eager seeker for artifacts had one chief worry—that someone else would reach a ruin rich in valuable objects before he did. The result was a rush on prehistoric ruins of the Southwest that went on, largely unchecked, until about 1904.

The early stages of this rush accompanied the spread of prospecting and ranching in Colorado, New Mexico, and Arizona during the 1880s and 1890s. Cowboys pursuing wandering cattle through the mesquite and up remote canyons began to come upon ancient ruins never before seen by white men. In this way one December day in 1888, ranchers Richard Wetherill and Charles Mason discovered Cliff Palace high on a canyon wall in the Mesa Verde area of southwestern Colorado. This

silent, spectacular, many-roomed dwelling, protected by an overhanging cave and the arid climate of the Southwest, had survived almost undisturbed for seven centuries. On the same day, in a nearby canyon, they discovered another large cliff dwelling they named Spruce Tree House. Neither the walls nor the contents of these ruins were to remain intact for long. Richard Wetherill and his brother, Alfred, were soon digging in the rooms. Joined at various times by three other brothers—John, Clayton, and Wynn—they excavated large quantities of decorated pottery, curious implements of stone, bone, and wood, ancient skulls, and other intriguing objects. The Wetherills sold part of their finds to the Historical Society of Colorado but kept a still larger collection (Nordenskiöld 1893: 12 [Lister and Lister 1985]).

Word of these spectacular discoveries spread rapidly in America and abroad. Among those whose exploring instincts were aroused was Gustav Erik Adolf Nordenskiöld, son of the famous Swedish geologist and Arctic explorer [and older brother of the South American ethnographer, Erland]. In 1891, when he was twenty-three years old, he determined to see the Mesa Verde country for himself. Arriving in Colorado, he made the Wetherill ranch his headquarters, and with the constant help of Richard and Alfred Wetherill and their workmen, and needing no one's permission, he explored and excavated in Cliff Palace and many other ruins throughout the summer. He took a large collection of prehistoric objects back to Stockholm and in 1893 published a popularly written, handsomely illustrated account of his investigations called *The Cliff Dwellers of the Mesa Verde* (Nordenskiöld 1893). Nordenskiöld's expedition and the loss of a large and valuable collection aroused both admiration and deep resentment among American archaeologists and provided strong arguments in Congress for protective legislation. Repeated efforts made in later years by Jesse Logan Numbaum, long-time Superintendent of Mesa Verde National Park, to secure the return of the collection proved fruitless. It is in Finland's National Museum in Helsinki today [Lister and Lister 1986].

The practice of indiscriminate digging went on for years. Superintendent Hans Randolph of Mesa Verde National Park later described the cumulative vandalism at Cliff Palace (not added to the park until 1913), in these words (Ise 1961: 145):

Probably no cliff dwelling in the Southwest has been more thoroughly dug over in search of pottery and other objects for commercial purposes than Cliff Palace. Parties of "curio seekers"

camped on the ruin for several winters, and it is reported that many hundred specimens therefrom have been carried down the mesa and sold to private individuals. Some of these objects are now in museums, but many are forever lost to science. In order to secure this valuable archaeological material, walls were broken down with giant powder often simply to let light into the darker rooms; floors were invariably opened and buried kivas mutilated. To facilitate this work and get rid of the dust, great openings were broken through the five walls which form the front of the ruin. Beams were used for firewood to so great an extent that not a single roof now remains. This work of destruction, added to that resulting from erosion due to rain, left Cliff Palace in a sad condition.

The vandalism so conspicuously illustrated at Mesa Verde spread all over the Southwest, to small ruins and large, in caves and in the open. By the mid-1890s, it was flourishing widely, as is evident in J. Walter Fewkes' description of a large cliff dwelling called Palatki, or "Red House," situated in the Red Rock country southwest of Flagstaff, Arizona. What he saw there inspired Fewkes to an eloquent plea for protective legislation, which appeared in the *American Anthropologist* for August 1896 (Fewkes 1896: 269–70):

Palatki has suffered sorely at the hands of the Apaches, who have wrenched many of the beams from the walls for firewood and overthrown sections of the front wall. As a rule, the southwestern ruins are now suffering more from the white man than from the Indian. If this destruction of the cliff-houses of New Mexico, Colorado, and Arizona goes on at the same rate in the next fifty years that it has in the past, these unique dwellings will be practically destroyed, and unless laws are enacted, either by states or by the general government, for their protection, at the close of the twentieth century many of the most interesting monuments of the prehistoric peoples of our Southwest will be little more than mounds of debris at the bases of the cliffs. A commercial spirit is leading to careless excavations for objects to sell, and walls are ruthlessly overthrown, buildings torn down in hope of a few dollars' gain. The proper designation of the way our antiquities are treated is vandalism. Students who follow us, when these cliff-houses have all disappeared and their instructive objects scat-

tered by greed of traders, will wonder at our indifference and designate our negligence by its proper name. It would be wise legislation to prevent this vandalism as much as possible and good science to put all excavation of ruins in trained hands.

As early as 1889 the demand for Southwestern antiquities had become so great that forgeries were common. In that year, W. H. Holmes, later Chief of the Bureau of American Ethnology, commented on the debasement of Pueblo art. He noted that terra-cotta figurines were being sold in the Pueblo towns of New Mexico "rudely made from clay, not after aboriginal models, but from the suggestions of whites." It was highly annoying to museum curators to have such objects donated by persons who had bought them in good faith, at a good price, believing them to be antiques and who expected them to be cherished and exhibited. "The country is flooded," he said, "with cheap, and scientifically speaking, worthless earthenware made by the Pueblo Indians to supply the tourist trade" (Holmes 1889).

In 1901, Walter Hough completed five months of field work in northeastern Arizona for the National Museum. He made observations at more than 55 village sites, including three groups of ruins in the vicinity of Petrified Forest, and excavated in 18 sites. "The great hindrance to successful archaeologic work in this region," he observed, "lies in the fact that there is scarcely an ancient dwelling site or cemetery that has not been vandalized by 'pottery diggers' for personal gain" (Anonymous 1901).

In 1903 Theophil Mitchell Prudden reported the results of a comprehensive survey he had just completed of the many prehistoric ruins of the San Juan watershed in Utah, Arizona, Colorado, and New Mexico. In earlier days, he observed, pot-hunters pulled down the walls of ruined dwellings and dug beneath the rooms. Later, however, they discovered that burial mounds offered more treasure, and "the fury of the pot-hunter has been largely diverted to them" (Prudden 1903: 237). In the Hovenweep area, he reported, "Few of the mounds have escaped the hands of the destroyer. Cattlemen, ranchmen, rural picnickers, and professional collectors have turned the ground well over and have taken out much pottery, breaking more, and strewing the ground with many crumbling bones" (Prudden 1903: 263).

When extensive ruins were found by ranchers on public land that was still open to settlement, applications for homesteads were sometimes filed solely to acquire the ruins, with no intention of practicing

agriculture or making improvements. Preservationists charged that such entries were an abuse of the land laws and fraudulent. A conspicuous example of the alienation of an important archaeological site through the operation of the homestead laws was Gran Quivira, the ruin of an important seventeenth-century Spanish mission adjoining an extensive Pueblo Indian site in Socorro County, New Mexico. A homestead entry had been filed some years before 1905. About that time, after a long contest, the entry was declared valid and a patent was issued to the claimant (Hewett 1905e: 570). In the 1890s Richard Wetherill, the discoverer of Cliff Palace at Mesa Verde, filed an entry on the great and classic Pueblo Bonito ruin in Chaco Canyon, near Farmington, New Mexico. His unperfected claim on a major ruin became a center of controversy until in 1904 the land was finally withdrawn by the General Land Office from sale or entry, and [the Hyde Exploring Expedition] excavations then in progress on the unperfected claim were halted (Ise 1961: 145).

The responsibility for such indiscriminate pot-hunting and abuse of the homestead laws cannot be put solely onto the shoulders of cowboys and ranchers, whose modest schooling and outdoor life hardly embraced scientific archaeology. The principal demand for authentic prehistoric objects came from private collectors, exhibitors, and museum curators in the East and in Europe. Sometimes handsome objects were purchased by important institutions and not too many questions asked. Even some well-financed and widely publicized expeditions did not escape criticism.

Perhaps the most famous case of alleged pot-hunting was in Chaco Canyon, New Mexico, a center of controversy among preservationists from 1900 until 1907 when it was finally made a national monument. Here were not merely one or two ancient structures but the ruins of a dozen great prehistoric communal dwellings together with hundreds of smaller archaeological sites, many of them, with good reason, believed exceptionally rich in artifacts. This extraordinary concentration of ruins had been known since 1849 when Lieutenant James Hervey Simpson of the Corps of Topographical Engineers first visited the canyon [and described] eight major ruins, illustrated with drawings by the artist Richard Hovendon Kern (Simpson 1850). Although many others visited the canyon in the ensuing years, it was Richard Wetherill, rancher, guide, and discoverer of Cliff Palace in Mesa Verde [McNitt 1957; Lister and Lister 1985], who stimulated the first extensive excavations.

Following a visit to the canyon in 1895 Wetherill proposed to Benjamin Talbot Hyde and Frederick Erastus Hyde, Jr., of New York City, wealthy philanthropists, collectors, and heirs to the Babbitt soap fortune, that they sponsor excavations in the Chaco Canyon ruins. The Hydies sought advice from F. W. Putnam of Harvard, who agreed to serve as scientific director, and from the American Museum of Natural History, which agreed to accept collections of artifacts. The Hyde Exploring Expedition was formed in 1896. Its principal aim was the exploration of Pueblo Bonito, the most imposing of all the Chaco Canyon ruins, a great semicircular stone structure covering more than three acres which at its peak of development in the twelfth century contained over 800 rooms in an arrangement at least five stories high. Putnam designated George Hubbard Pepper, one of his students, as field director, and Richard Wetherill as excavation foreman. The digging of Pueblo Bonito proceeded under these arrangements during the summers of 1896–1899. Some 198 rooms and kivas were excavated and most of the artifacts, including several complete rooms, were donated by the Hydies to the American Museum of Natural History (Pierson 1956: 48–55 [Snead 1999]).

As reports of the extent and nature of these excavations reached the state capital of Santa Fe, and were communicated to New York and Boston, concern developed among interested archaeologists and laymen that irreplaceable antiquities of Chaco Canyon were quite possibly being unscientifically pot-hunted and certainly were being taken out of New Mexico. On May 1, 1900, the *Santa Fe New Mexican* published an article describing the excavations. On November 17, the Archaeological Society [of New Mexico] sent a resolution to Secretary of the Interior Ethan Allen Hitchcock urging him to take action to protect the antiquities of Chaco Canyon. An investigation had already been made by the General Land Office, but now Special Agent Stephen J. Holsinger [who had a personal grudge against Wetherill (Rothman 1989: 27–30)] was assigned to make another and more thorough one. In June 1901 he reported that Richard Wetherill and his brothers had removed entire prehistoric timbers from Pueblo Bonito, dismantled and shipped complete rooms to the American Museum of Natural History, and probably had excavated other prehistoric objects and sold them wherever they could find a market. Holsinger recommended withdrawal of 40 townships from settlement preparatory to making Chaco Canyon a national park. Meanwhile, however, Wetherill had filed a for-

mal homestead claim on a section of Chaco Canyon that included Pueblo Bonito and two other major ruins, Chetro Ketl and Pueblo del Arroyo. This situation, added to many other instances of known or alleged pot-hunting and vandalism, hastened the movement for administrative and legislative action in Washington, D.C., to protect American antiquities on the public lands (Bond 1912: 85–86).

The spirit of the times was well expressed by T. Mitchell Prudden (1903: 288):

In the early days, before the problems connected with these ruins had become clear and definite, the simple collection of pottery and other utensils was natural and not without justification. But it is now evident that to gather or exhume specimens—even though these be destined to grace a World's Fair or a noted museum—without at the same time carefully, systematically, and completely studying the ruins from which they are derived, with full records, measurements, and photographs, is to risk the permanent loss of much valuable data and to sacrifice science for the sake of plunder.

THE TEMPORARY PROTECTION OF RUINS

Until the Antiquities Act was passed in 1906, the chief weapon available to the federal government for protecting antiquities on public land was the power to withdraw specific tracts from sale or entry for a temporary period. As the problem of protection grew and as complaints reached the General Land Office in steadily increasing numbers, this power was exercised more and more frequently. An early example was Frijoles Canyon in northern New Mexico.

Bandelier's unusual novel of Indian life in this region, called *The Delight Makers* (1890a), gave imaginary life to his earlier reports of "cavate" dwellings at the base of the walls in Frijoles and neighboring canyons and to the nearby pueblo ruins. Edgar L. Hewett began intensive studies of these antiquities about this time. Before long a proposal developed for a Pajarito National Park, to embrace many of these ancient dwellings and the country around them. By July 1900 the General Land Office had withdrawn a large area around Frijoles Canyon from entry, sale, settlement, or other disposal pending a determination

of the advisability of setting the region apart as a national park (U.S. Congress 1901: 1-6).

About this time a movement was started in Denver, Colorado, to save the celebrated cliff-dwellings of Mesa Verde. A group of ladies organized the Colorado Cliff-Dwellings Association and launched a vigorous and effective campaign to establish Mesa Verde as a national park. Not content to wait for federal action, as early as 1900 they succeeded in leasing from the Ute Indians, for \$300 a year, a portion of the land where cliff-dwellings were situated, and began planning for the repair of roads and erection of a rest-house. Mrs. Gilbert [Virginia] McClurg became the unusually able and effective Regent of the Association and Mrs. W. S. [Lucy] Peabody a strong Vice-Regent (Anonymous 1900a). Whether the Colorado Cliff-Dwellings Association borrowed the title of Regent from the widely admired Mount Vernon Ladies Association of the Union is unknown, but it seems possible. Pending a determination of the advisability of establishing the area as a national park, the General Land Office, sometime before 1904, withdrew an extensive part of the Mesa Verde area from sale, entry, settlement, or other disposal (Hewett 1904b: 723).

On April 4, 1905, Secretary of the Interior Ethan Allen Hitchcock finally withdrew critical portions of the lands in Chaco Canyon which Special Agent Holsinger had recommended in 1901 be protected. The official withdrawal embraced the section of land containing Pueblo Bonito, Chetro Ketl, and Pueblo del Arroyo on which Richard Wetherill had already filed a homestead claim in 1900. Special Agent Frank Grygla of the General Land Office was sent to investigate the conflict between Wetherill's claim and the withdrawal. He found that Wetherill had constructed buildings worth five thousand dollars on his land, was raising 60 acres of corn, 5 of wheat, 2 of vegetables, and reportedly had 5,000 sheep, 200 horses, and 400 chickens. Furthermore, Wetherill informed Grygla he would relinquish his rights to the three major ruins on his homestead to the government (Pierson 1956: 49-54). Under these circumstances, the General Land Office concluded that a cancellation of Wetherill's claim for fraudulent entry would be "difficult and probably unjust," and that there was some evidence that instead of excavating the ruins at this time Wetherill was protecting them (Bond 1912: 85-86). Final resolution of the conflict, however, awaited passage of the Antiquities Act the next year.

From 1897 to 1903 Binger Hermann served as Commissioner of the General Land Office and approved important withdrawals. He was followed by William Alford Richards, Commissioner from 1903 to 1907, who was equally active in the cause of preservation. Richards' enlightened attitude is well expressed in a letter he wrote to Hewett on October 5, 1904 (Hewett 1904b: 722):

This office fully appreciates the necessity for protecting these ruins and the importance of furthering in every way possible, researches in connection therewith which are undertaken for the benefit of recognized scientific and educational institutions, with a view to increasing the knowledge of such objects and aiding in the general advancement of archeological science; and it desires to aid all such efforts to the full extent of its power, while, at the same time, endeavoring to effectually protect the ruins and relics on the public lands from ruthless spoliation by parties plying a trade in such matters.

Commissioner Richards went on to describe public land withdrawals already made. In New Mexico, in addition to the Pajarito Cliff Dwellers area, withdrawals had been made in the Jemez Cliff Dwellers region and at El Morro, or Inscription Rock; in Arizona at Petrified Forest and Montezuma Castle; and in Colorado at Mesa Verde. Custodians had also been appointed for Casa Grande, Walnut Canyon, and Canyon del Muerto, all in Arizona, but there were no funds for others.

Many ruins were not on public lands but in forest reserves and therefore, although still under the jurisdiction of the Commissioner of the General Land Office in 1904, subject to different land laws. Richards' letter to Hewett said he was issuing new instructions on the care and protection of the ruins to forest officers responsible for patrolling the forest reserves, especially where important prehistoric structures were known to be located—for example, in the Gila River Forest Reserve, New Mexico, and the Black Mesa and San Francisco Mountains Forest Reserves in Arizona (Hewett 1904b: 723).

Ruins on Indian reservations presented still another problem. They were under Commissioner A. C. Toner of the Office [now Bureau] of Indian Affairs. He also supported preservation objectives, however, and on October 22, 1904, he wrote Hewett that he was that day again instructing officials in charge of the various reservations—particularly

the Navajo, Moqui [Hopi], and Hualapi [Hualapai]—"to use their best efforts to keep out intruders and relic hunters and to see that such remains of antiquity . . . are kept intact until such time as proper scientific investigations of the same can be had" (Hewett 1904b: 725).

The total effect of these combined measures was considerable. As Hewett saw it, even before general legislation was enacted a force of forest supervisors, rangers, special agents, Indian school superintendents and teachers, Indian agents, farmers, police, and the Indians themselves had been mobilized to protect the ruins from vandalism and unauthorized looting and to save them for scientific investigation (Hewett 1904b: 726).

The early 1900s was a great period for applying scientific management to the public lands and forest reserves of the West. President Theodore Roosevelt, Gifford Pinchot, the father of American forestry [Penick 1974], W J McGee, until 1902 Powell's principal assistant in the Bureau of American Ethnology, and their many followers envisioned that in the Roosevelt administration the basic policies and the management programs for western lands and waters would emanate from scientists and engineers rather than from legislators and politicians (Hays 1959). Close collaboration between the General Land Office and Hewett bore out this concept. As Hewett wrote in *Science* in November 1904: "A system of governmental protection of archeological remains is manifestly an accomplished fact, as much so and after the same manner as is the protection of timber on public lands" (Hewett 1904b: 727).

Hewett's comparison of archaeological sites with timber resources was significant. Beginning in 1891, timber resources on the public lands benefited from special legislation. In that year an amendment to the General Land Revision Act of 1891 granted the President authority to create permanent forest reserves by executive proclamation. By 1901, under this authority, 41 forest reserves had been set aside containing over 46 million acres. In his first year as President, Theodore Roosevelt created 13 new forests containing more than 15 million additional acres (Hays 1959: 47). Until 1905 these forest reservations were administered by the General Land Office. When the problem of permanently protecting selected prehistoric ruins on the public lands arose, it was natural for officials of this agency, who were familiar with timber protection procedures, to propose that the President be granted similar authority to create archaeological reservations, citing Congressional authority for forest reservations as a precedent.

But in their view the authority should go further than antiquities and include permanent protection of scenic and scientific resources on the public lands as well. Interesting discoveries were constantly being made of caves, craters, mineral springs, unusual geological formations, and other scientific features that appeared to merit special protection by the nation. Bill after bill was introduced in Congress to set aside one or another such area as a public reservation, to be permanently protected for the public benefit. Because no other designation seemed as appropriate, these proposals usually called for establishing the feature as a national park. The General Land Office made investigations of many such proposals. For example, in his annual report for 1900, Commissioner Binger Hermann stated that in that year reports had been made on two groves of mammoth trees in California, Wind Cave in South Dakota, a petrified forest in Arizona, the proposed Pajarito National Park, and a proposed Shoshone Falls National Park [Idaho]. Some of these natural areas were temporarily protected by withdrawals—Petrified Forest, for example. Others were the subject of special acts of Congress. In this manner Crater Lake [Oregon] became a national park in 1902, Wind Cave in 1903, Sullys Hill [North Dakota] in 1904, and Platt [Oklahoma] in 1906. Meanwhile, the proposed establishment of Colorado Cliff Dwellings National Park, Colorado, and Pajarito National Park, New Mexico, were also pending before Congress. From 1900 to 1906 Commissioners Hermann and Richards of the General Land Office consistently recommended general legislation to authorize the President to establish prehistoric and scientific resources on the public lands as national parks just as he had already been granted authority to create forest reservations (Claus 1945: 13–19).

THE ANTIQUITIES ACT, 1900–1906

The legislative history of the Antiquities Act falls into three different phases, which culminated in passage of the law in 1906 (Claus 1945; Ise 1961; McDermott 1966).

The First Round

Sometime late in 1899 the American Association for the Advancement of Science established a committee to promote a bill in Congress for the permanent preservation of aboriginal antiquities situated on

federal lands. It was called the "Committee on the Protection and Preservation of Objects of Archaeological Interest." Thomas Wilson, lawyer, diplomat, and since 1887 curator of prehistoric archaeology in the U.S. National Museum, was named Chairman and Frederic W. Putnam, Newton Horace Winchell, Grove Karl Gilbert, A. W. Butler, and George Amos Dorsey members (Anonymous 1900b). The same year the Archaeological Institute of America set up a Standing Committee on American Archaeology, with Charles Pickering Bowditch of Boston as chairman and F. W. Putnam and Franz Boas as members (White 1899: 665; 1902). The two committees agreed to combine their efforts with Wilson serving as "Chairman of the Committees of the two Societies" (Wilson 1900). By this means the experience and knowledge of both classical and American archaeologists were brought to bear on the preservation of prehistoric antiquities in the United States.

The course of subsequent events is not entirely clear, but it appears that Wilson arranged, with the assistance of S. V. Proudfit, an attorney assigned to the Department of the Interior and a member of the Anthropological Society of Washington [and later acting commissioner of the General Land Office], for the drafting of a comprehensive antiquities bill (U.S. Congress 1904: 7–8). The draft bill, with an accompanying explanation, was then published for the information of the two societies. The bill began with a major provision that (Anonymous [1900]: 1):

The President of the United States may from time to time set apart and reserve for use as public parks or reservations, in the same manner as now provided by law for forestry reservations, any public lands upon which are monuments, cliff-dwellings, cemeteries, graves, mounds, forts, or any other work of prehistoric, primitive, or aboriginal man, and also any natural formation of scientific or scenic value or interest, or natural wonder or curiosity together with such additional area of land surrounding or adjoining the same, as he may deem necessary for the proper preservation and subsequent investigation of said prehistoric work or remains.

This is the first link between historic and natural areas in the history of federal preservation legislation. It also introduced the word "monuments" into the language of conservation in the United States, though in a somewhat different sense than it eventually acquired.

In an explanation accompanying the bill, much emphasis was placed on the sharp contrast between the excellent protection afforded antiquities by most European governments and the almost total absence of such protection in the United States (Anonymous [1900]: 4–5; U.S. Congress 1904: 4–5):

Turkey, Greece, Egypt, the Barbary States, and other Oriental countries have exercised the various rights of eminent domain in regard to prohibition of entry upon or excavation of such works. Persia (in Assyria and Babylonia) has pursued the same course. Notable instances of these are to be found in the work done by the Archaeological Institute of America in Greece, and of the University of Pennsylvania at Nippur.

In all these countries governmental permission must be obtained before excavations can be made, and this permission is a subject for diplomatic negotiations. Nearly all countries in western Europe have laws making similar provision in respect of their prehistoric monuments. Many years ago Great Britain provided that the government would act as trustee and guardian of such monuments and earthworks whenever requested by the owners. This secured the preservation of Stonehenge. . . . In France the society for the preservation of *monuments mégalithiques* chooses the monuments it desires, and on its recommendation they are condemned and purchased. Italy, Spain, and other countries supervise excavations, whether made on public or private lands, and reserve the right of prior purchase of any objects found. In our own continent the governments of Mexico and the Central American States pursue the same course, and permission is as much required to excavate and bring to light the prehistoric ruins of the Aztecs and the Mayas as to excavate for the Nicaragua Canal.

The United States stands almost, if not entirely, alone without any law to make any of these prohibitions or to supervise or grant permission for similar investigations.

The explanation went on to cite conspicuous instances of the loss of American antiquities to other countries. Russia, it was said, had carried away from Alaska more aboriginal objects for display in her museums than had the United States. A Swedish expedition [Nordenskiöld] had taken a large and valuable collection back to its museums from the pueblo ruins of Colorado and New Mexico. One of the finest displays

of prehistoric implements from Ohio was to be found in the Blackmore Museum in Salisbury, England, placed there by Squier and Davis after their exploration of ancient mounds in the Mississippi Valley (Anonymous [1900]: 5–6). The Reverend Henry Mason Baum secured the Greek antiquities laws and had them translated for the information of the House Public Lands Committee, where they remained on file (U.S. Congress 1904: 8).

Among its other provisions, the bill authorized the Secretary of the Interior to grant permission for archaeological excavations to qualified institutions and made unauthorized excavations a misdemeanor subject to fine. On February 5, 1900, Representative Jonathan Prentiss Dolliver of Iowa, presumably at the request of Wilson, introduced a somewhat revised form of this bill in the House as H.R.8066 (Rogers 1958, Vol. 4, App. A).

Now that the antiquities issue had been raised in Congress, competing viewpoints were quickly made known. On February 6, the day after Representative Dolliver introduced his bill, Representative John Franklin Shafroth of Colorado, a member of the Public Lands Committee, whose state contained many well-known cliff dwellings, introduced his own bill, H.R.8195. A westerner, Representative Shafroth was not interested in promoting new Presidential authority to create parks of undetermined extent on the public domain. Instead, his bill simply declared that any unauthorized person who harmed an aboriginal antiquity would be subject to fine, imprisonment, or both (Rogers 1958, Vol. 4, App. A). This quick solution to the problem was soon recognized as too simple, however. On March 7, Shafroth introduced a second bill, H.R.9245, which directed the Secretary of the Interior to have the Geological Survey make a survey of public lands in Colorado, Utah, Arizona, and New Mexico where ruins of temples, houses, and other prehistoric structures were known to exist and recommend which were of sufficient importance for permanent preservation. The Secretary was authorized to set aside lands upon which such important ruins were situated, not to exceed 320 acres for each ruin. The lands thus set aside were to be placed in the custody of the Bureau of American Ethnology of the Smithsonian Institution (Rogers 1958, Vol. 4, App. A).

All three antiquities bills now before Congress were referred for consideration to the House Committee on the Public Lands, whose Chairman was Representative John Fletcher Lacey of Iowa. On March 7, 1900, he sent the three bills to Secretary of the Interior Ethan A.

Hitchcock, who promptly referred them to Binger Hermann, Commissioner of the General Land Office. On March 20, Hermann expressed strong approval of legislation to preserve prehistoric ruins and other objects of interest to science on the public lands. He especially emphasized "the need for legislation which shall authorize the setting apart of tracts of public land as National Parks, in the interest of science and for the preservation of scenic beauties and natural wonders and curiosities, by Executive Proclamation, in the same manner as forest reservations are created" (Claus 1945: 3-4). In the absence of such general legislation, it was necessary to procure a separate law for each national park, which usually required several years, during which serious scientific losses often occurred.

Commissioner Hermann found all three of the pending bills unsatisfactory, and instead he proposed a substitute bill. For the next six years, with some modifications, this bill embodied the views of the Department of the Interior on the form antiquities legislation should take. Although not well received by the House Committee on Public Lands, this bill [H.R.11021] was nevertheless introduced by Representative Lacey, at the request of the Department, on April 26, 1900 (Claus 1945: 5).

The title of H.R.11021 reveals a good deal about the Department's thinking. It was called "a bill to establish and administer national parks, and for other purposes." In 1900 there were only five national parks, not counting the battlefields. By contrast, the number and extent of designated forest reserves, later called national forests, had grown tremendously after 1891. By 1901, the Department of the Interior was administering 41 forest reserves containing more than 46 million acres, all created by Executive Proclamation from public lands. This was substantially more land than contained in the entire National Park System in 1969.

The first section of the bill attempted to correct this imbalance. In language not unlike Dolliver's bill but with greater emphasis on scenic and natural areas, it provided that (Rogers 1958, Vol. 4, App. A):

The President of the United States may, from time to time, set apart and reserve tracts of public land, which for their scenic beauty, natural wonders or curiosities, ancient ruins or relics, or other objects of scientific or historic interest, or springs of medicinal or other properties it is desirable to protect and utilize in the

interest of the public; and the President shall, by public proclamation, declare the establishment of such reservations and the limits thereof.

The Department of the Interior was plainly seeking broad discretionary authority for the President to reserve a wide range of resources for public use. Historic as well as scenic and scientific resources, it has been well pointed out, were among those added to prehistoric resources for permanent protection (McDermott 1966: 11).

The second section provided “that *such reservations shall be known as national parks and shall be under the exclusive control of the Secretary of the Interior*, who is hereby empowered to prescribe such rules and regulations and *establish such service* as he shall deem necessary for the care and management of the same.” In this language, one may perhaps discern one of the first expressions of the idea of a National Park Service. The Secretary was also authorized to rent or lease parcels of ground in such parks for the erection of buildings to accommodate visitors, the resultant revenues to be placed in a special fund for the care of the parks.

The third section authorized the Secretary of the Interior to permit examinations, excavations, and gathering of objects of interest within such national parks, provided they were undertaken for the benefit of the Smithsonian Institution or a reputable museum, university, college, or other recognized scientific or educational institution. The final section provided penalties for persons unlawfully intruding upon such parks.

[The Department of the] Interior’s proposed bill met with a cool response from the House Committee on Public Lands. As Thomas Wilson wryly wrote Walter Hough of the U.S. National Museum on March 31: “Members of Congress have their own opinions concerning the treatment of Public lands” (Wilson 1900). On April 19 Representative Lacey wrote Secretary Hitchcock that the committee “seemed to be unanimously of the opinion that it would not be wise to grant authority in the Department of the Interior to create National Parks generally, but that it would be desirable to give the authority to set apart small reservations, not exceeding 320 acres each, where the same contained cliff dwellings and other prehistoric remains” (Claus 1945: 5). The reluctance of the members of the Public Lands Committee, most of them from western public lands states, to grant general authority to the Executive Branch to create new national parks is understandable in

the light of their past experience with the timber reservations act of 1891 and their forebodings of what was still to come. From their viewpoint, later events justified their concern. In his first year in office in 1901–1902 President Theodore Roosevelt created 13 new forest reserves, containing 15.5 million acres, on the public lands. In 1907, in response to the views of members from the West, Congress revoked presidential authority to create forest reserves in six western states. Before signing the revocation act, however, President Roosevelt set aside an additional 75 million acres in forest reserves, “increasing the total to 150,832,665 acres in 159 national forests” (Hays 1959: 47). Against this background, any proposed antiquities legislation that included broad authority for the President to create new parks or monuments out of the public lands was sure to meet with opposition.

Meanwhile, a subcommittee of the House Public Lands Committee had been assigned the task of studying the various proposals. On April 5 Representative Shafroth introduced H.R.10451, which represented the combined views of the full Committee on Public Lands. The provisions of this bill were about what might have been expected under the circumstances. It authorized the Secretary of the Interior to set apart and reserve from sale, entry, and settlement any public lands in Colorado, Wyoming, Arizona, and New Mexico containing monuments, cliff dwellings, cemeteries, graves, mounds, forts, or any other work of prehistoric, primitive, or aboriginal man, each such reservation not to exceed 320 acres (Rogers 1958, Vol 4, App. A). The bill thus greatly reduced the scope of the proposed legislation, though leaving its administration to Interior. It also authorized the Secretary to permit excavations in such reservations by qualified institutions and made unauthorized excavations or damage a misdemeanor.

On April 21 Representative Shafroth presented a favorable report on this limited bill to the House on behalf of the Public Lands Committee. His report revealed the Committee’s growing awareness of the importance of preserving prehistoric antiquities. He cited the large number of prehistoric “dwellings, castles, forts and palaces” in the southwestern region of the United States and their great interest to students of archaeology not only in America but throughout the world. He pointed out that more ruins were being destroyed each year. “The only practical way they can be preserved,” he said, “is by creating reservations of the land surrounding each ruin, and providing a penalty for any destruction of the same” (U.S. Congress 1900: 1).

Congress, however, took no action on H.R.10451 or any of the other four bills. Almost four years were to pass before another general antiquities bill was introduced in Congress. The first round of sparring over antiquities legislation among the scientists of the country, the Department of the Interior, the Bureau of American Ethnology, and the House Public Lands Committee ended as a draw.

The Second Round

In January 1902 a new personality and a new society joined the fray over the proper form of national preservation legislation. The new personality was the Reverend Henry Mason Baum, D.C.L., and the new organization, the Records of the Past Exploration Society. Now long forgotten, Baum and the society he served as president played an active, curious, and in the end controversial role from 1902 to 1905 in the race to protect American antiquities [Rothman 1989: 35–41].

Baum edited a new historical journal published in Washington, D.C., called *Records of the Past*. This journal attempted to report on “the work of historical research and exploration throughout the world, from a literary standpoint” (U.S. Congress 1904: 9). Although his own field was biblical archaeology, Baum found, as he testified in 1904 before the Senate Public Lands Committee, “that, as an editor, it was necessary for me to have a practical knowledge of American antiquities. Therefore, two years ago I visited the mounds of the Mississippi Valley and the more important pueblo and cliff ruins of the Southwest. One of the objects I had in view was to ascertain how the antiquities on the Government domain could best be protected. My expedition led to the drafting of House bill 13349” (U.S. Congress 1904: 9).

The first issue of *Records of the Past*, which appeared in January 1902, carried as its lead article an exposition of the general principles Baum recommended be embodied in a national preservation law (Baum 1902b). As he summarized them later for the Senate Committee, these were, “first, that the antiquities be placed under the control of the Secretary of the Interior; second, that the institutions of the country shall have an equal right to excavate the ruins; and third, that all excavations shall be prohibited without a permit from the Secretary of the Interior” (U.S. Congress 1904: 14). During the next two years, the active and articulate Baum waged a tireless campaign to write these principles into law. He very nearly succeeded. In the course of his efforts, he provoked a major controversy with the Smithsonian Institution.

During the winter of 1903–1904, Baum and his associates prepared a draft of their proposed bill and asked Representative William August Rodenberg of Illinois to introduce it. He was known to be “deeply interested in the subject, and lives within four miles of the largest prehistoric monument in the Western Hemisphere—the Great Cahokia Mound” (Baum 1904a: 103). On March 2, 1904, Rodenberg introduced this bill as H.R.13349 and had 500 extra copies printed for use in promoting the legislation. On March 5 he sent letters to the presidents of leading universities, colleges, museums, and historical and archaeological societies throughout the United States, enclosing H.R.13349 and asking for their suggestions and support. “I introduced the bill,” he wrote, “at the request of the Records of the Past Exploration Society, of this City. If the bill meets with your approval I will be glad to have you write at once to the Committee having the bill in charge, addressing your letter to the Committee on Public Lands, House of Representatives, Washington, D.C.” (Baum 1904a: 106–7).

Rodenberg’s bill placed all historic and prehistoric ruins, monuments, archaeological objects, and antiquities on the public lands in the custody of the Secretary of the Interior with authority to grant excavation and collecting permits to qualified institutions. However, the Secretary was obliged to grant a permit to any state or territorial museum or university to excavate any ruin on public lands within its territorial limits “upon application for such permit being indorsed by the governor.” Excavations were to be rigidly regulated, and a complete photographic record of “all objects” found was required, duplicate photographs to be deposited in the National Museum. Forgeries and unauthorized excavations were declared misdemeanors. It was to be the duty of the Secretary to recommend to Congress which ruins or groups of ruins should be made national reservations, but Congress retained complete control over new areas.

The results of Rodenberg’s letter were little short of phenomenal. Strongly favorable endorsements promptly poured into the House Public Lands Committee from presidents of universities, historical societies, and museums throughout the nation. Twenty-five of the letters were printed in full in the record of hearings held by the Senate Public Lands Committee on April 20, 1904. Among the many prominent endorsers of the bill were Thomas Day Seymour, President of the Archaeological Institute of America; Frederic W. Putnam of the Peabody Museum at Harvard; Benjamin I. Wheeler, President of the University of California; Stephen Salisbury, President of the American Antiquarian

Society; William Corless Mills, Curator of the Ohio State Archaeological Society; and E. B. Morgan, President of the Colorado State Historical and Natural History Society (U.S. Congress 1904: 11–12). Such a favorable response from so many learned institutions and eminent scholars deeply impressed members of the House and Senate Committees on Public Lands. On April 20, at Baum's request, Senator Henry Cabot Lodge of Massachusetts introduced S.5603 in the Senate as a companion measure to Rodenberg's House bill, and it became known as the Lodge bill (Baum 1904b: 143).

Although Baum and Rodenberg were getting most of the attention, W. H. Holmes, Chief of the Bureau of American Ethnology, and other officials of the Smithsonian Institution had prepared their own antiquities bill the previous winter, and the Board of Regents had approved it (McGuire 1904: 181; Baum 1904b: 148). Among those Regents were Senator Shelby Moore Cullom and Representative Robert Roberts Hitt, both of Illinois. On February 5, 1904, Senator Cullom introduced the Smithsonian bill, S.4127, in the Senate; and on February 16, Representative Hitt introduced the companion bill, H.R.12447, in the House. This bill had been carefully worked out. For one thing it clearly defined antiquities on Public lands as including (Rogers 1958, Vol. 4, App. A):

mounds, pyramids, cemeteries, graves, tombs, and burial places and their contents, including human remains; workshops, cliff dwellings, cavate lodges, caves, and rock shelters containing evidences of former occupancy; communal houses, towers, shrines, and other places of worship, including abandoned mission houses or other church edifices; stone heaps, shell heaps, ash heaps, cairns, stones artificially placed, solitary or in groups, with or without regularity; pictographs and all ancient or artificial inscriptions; also fortifications and inclosures, terraced gardens, walls standing or fallen down, and implements, utensils, and other objects of wood, stone, bone, shell, metal, and pottery, or textiles, statues and statuettes, and other artificial objects.

The Smithsonian bill authorized the President to proclaim important antiquities, thus defined, as public reservations and to determine their boundaries. No protection at all was provided, however, for historical, scenic, or scientific resources on the public lands. All antiquities reservations were to be under the control of the Secretary of the Inte-

rior for care and management, but, subject to Interior's regulations, the Secretary of the Smithsonian Institution was to have "supervision of all aboriginal monuments, ruins, and other antiquities." Explorations, excavations, and collections "shall be made only by the Smithsonian Institution or some of its bureaus, or by some State, Territorial, municipal or other duly incorporated museum, or by some foreign museum of national character, or by museums attached to some incorporated college or university in the United States which teaches archaeological science." All permits granted by the Secretary of the Interior were to be issued only on the recommendation of the Secretary of the Smithsonian Institution. Any person who willfully damaged any aboriginal antiquity was subject to severe penalties (Rogers 1958, Vol. 4, App. A).

On April 22, 1904, the Senate Subcommittee on Public Lands held hearings on the Smithsonian bill, S.4127, and on the Lodge bill, S.5603 (Rogers 1958, Vol. 4, App. A). Senator Charles William Fulton of Oregon presided as chairman, and the witnesses included Baum and Frederick B. Wright, the latter Secretary of the Records of the Past Exploration Society; and Francis Willey Kelsey, Secretary, and Alexander Mitchell Carroll, Associate Secretary, of the Archaeological Institute of America. The record of this hearing, printed by the Senate on April 28, 1904, provided eloquent evidence of the vandalism of American antiquities that had been going on for years and of the broad national support for corrective legislation.

During the hearing witnesses outlined the numerous merits they saw in Senator Lodge's bill. Objections to the Smithsonian bill were offered in restrained but persuasive language by the Archaeological Institute's Secretary Kelsey [Worrell 1933], classicist and archaeologist of the University of Michigan, whose [translation of] *Pompeii: Its Life and Art* (Mau 1899), had appeared only a few years before (U.S. Congress 1904: 6-7):

The first difference of opinion has reference to the division of administration between the Secretary of the Interior and the Smithsonian Institution. . . . The objection has been raised by men in whose opinion I have confidence that the arrangement proposed in this bill would lead to constant friction and a clashing of authority, which would be apt to neutralize the beneficial results of the legislation. . . . The second consideration which has been

urged against this bill is that it gives the Smithsonian Institution an unfair advantage, an advantage which cannot be justified from either a practical or a scientific point of view over any other institution—such as the Peabody Museum at Cambridge, the Natural History Museum of New York, and other large museums—in respect to excavating and in respect to the guardianship of remains that may be recovered by the process of excavation.

On April 25 the Senate Public Lands Committee reported Senator Lodge's bill favorably, and the next day it passed the Senate and was sent to the House. Victory seemed near. "Preparations were made," reported Baum, "to ask unanimous consent for its passage, as Congress was to adjourn the next day" (Baum 1904b: 147). The House Public Lands Committee agreed to seek immediate passage, but representatives of the Smithsonian Institution [led by Assistant Secretary Richard Rathbun] went to the Hill and voiced strong objections. Midnight and the hour of adjournment arrived and no action had been taken (Baum 1904b: 147–48). The bill went over to the next session of Congress.

In the sting of defeat, Baum published a bitter attack on the Smithsonian Institution [and Rathbun] in *Records of the Past* for May 1904 (Baum 1904b: 148–50). Emotions were so aroused that some members of his society apparently became embarrassed. The next year Baum's name no longer appeared as editor. He was succeeded by George Frederick Wright of Oberlin College, an authority on the mounds of Ohio (*Records of the Past*, Vol. IV, 1905).

With Congress in recess, the archaeologists of the country made a determined effort to heal their differences and also save the Lodge bill. In May 1904 in St. Louis, the [Council of the] Archaeological Institute of America created a new Committee on the Preservation of the Remains of American Antiquity, with Thomas Day Seymour of Yale as chairman and each of the seventeen local chapters represented on the committee. Among persons representing chapters on the committee were Alice Fletcher, Baltimore; Sara Yorke Stevenson, Pennsylvania; George A. Dorsey, Chicago; George Grant MacCurdy, Connecticut; W J McGee, St. Louis; Charles F. Lummis, Southwestern Society; A. L. Kroeber, San Francisco; and Mrs. W. S. Peabody, Colorado—all of whom, with others, went formally on record with Congress in favor of antiquities legislation (Seymour 1904: 4–5). On January 10, 1905, this committee met in Washington, D.C., with a similar committee from the American Anthropological Association and "agreed upon a memo-

randum which is believed to represent the unanimous opinion of American scientists in the archaeological field” (Seymour 1905: 6; Anonymous 1906b).

On the following day the two committees appeared before the House Committee on Public Lands and presented the scheme of legislation they had prepared. Again in 1904 Representative Lacey had introduced the Interior bill, H.R.13478, “to establish and administer national parks, and for other purposes” (Rogers 1958, Vol. 4, App. A). The main line of the legislative history is most clearly understood by following the course of S.5603, the Lodge bill. It should not be forgotten, however, that the Department of the Interior was still seeking its own bill. In his Annual Report for 1901, Commissioner Binger Hermann again strongly recommended legislation similar to H.R.11021, introduced by Representative Lacey in 1900, to authorize the President to set apart tracts of public land notable for their scenic beauty, natural wonders, ancient ruins, and relics or objects of scientific or historic interest as national parks. He repeated this recommendation in 1902. His successor, Commissioner William Afton Richards, followed with a similar recommendation in his Annual Reports for 1903 and 1904. H.R.13478, introduced by Representative Lacey on March 4, 1904, was identical with H.R.11021, which Lacey had also introduced at the request of the Department in 1900 (Rogers 1958, Vol. 4, App. 4). Nothing came of the Interior bill, however, in the 58th Congress, and it was never again introduced. Neither was the Smithsonian bill reintroduced. To complete the record, it should be noted that Representative Bernard Shandon Rodey of New Mexico introduced H.R.12141 on Feb. 10, 1904 “to protect ancient ruins on the public domain,” but it got little or no attention (Rogers 1958, Vol. 4, App. A).

Lacey and his colleagues gave the proponents of the Lodge bill “a most courteous hearing,” and on January 19, 1905, they reported it favorably, with amendments recommended by the archaeologists (Seymour 1905: 6). Among other provisions, these amendments strengthened the authority of the Secretary of the Interior to protect antiquities by authorizing him to make permanent reservations not exceeding 640 acres around important ruins. Nothing was said, however, about scenery or natural wonders (U.S. Congress 1905b: 1–2). Congress adjourned before the bill could be brought to the floor for a vote.

One more round was necessary in a new Congress, the 59th, before an antiquities bill finally became law.

The Third Round

Until 1905 all the federally owned lands on which aboriginal ruins and pueblos were likely to be found were administered by the Secretary of the Interior. These were the public lands, the Indian lands, and the forest reserves. But since 1898, Gifford Pinchot, Chief of the Bureau of Forestry in the Department of Agriculture, had worked assiduously in and out of Congress for transfer of the forest reserves to his Department. Early in 1905 he achieved this goal when Congress passed the Forest Transfer Act, which President Roosevelt signed on February 1 (Hays 1959: 39–44). By 1907 forest reserves under the administration of the Secretary of Agriculture contained more than 150 million acres, on which thousands of Indian sites and ruins were known to be located. This situation added a major jurisdictional complication to the other problems that had to be taken into account in framing antiquities legislation.

At this juncture a young archaeologist from the West began to come into national prominence, and his labors did much to shape the final legislation. He was Edgar Lee Hewett [Chauvenet 1983; Fisher 1947; Walter 1947], born on a farm in Illinois in 1865; educated in [Hopkins and Tarkio] Missouri; superintendent of schools in Florence, Colorado, in the 1890s; [named the first President of New Mexico Normal University in 1898]; and already an avid explorer of the cliff dwellings and pueblo ruins of Colorado and New Mexico. His first archaeological field work was done in 1896, when he was thirty-one, among the pueblo ruins and cavate dwellings of Frijoles Canyon, near Santa Fe, later Bandelier National Monument. Before long, Hewett was writing for professional journals in the East, and soon he was active in the circles of the American Anthropological Association. In 1904 he began graduate studies in anthropology at the University of Geneva in Switzerland which led to a Ph.D. [Docteur en Sociologie, awarded July 14, 1908 (Lange 1993)]. In January 1906 the Archaeological Institute of America chose him as its Fellow in American Archaeology, and he extended his study of ancient Indian ruins to Mexico (Forrest 1965: 151–56). Hewett's unusual combination of western background, farming and teaching experience, first-hand knowledge of ancient ruins on federal lands in the Southwest, and experience as an archaeologist and administrator, enabled him in this period to enjoy alike the confidence of members of Congress, bureau chiefs, staffs of universities and research institutions, and members of professional societies.

In 1902 Representative Lacey decided to visit the Southwest and see for himself some of the pueblos and cliff dwellings that were the subject of bills before his committee. Hewett accompanied him. As Mitchell Carroll [of the AIA and George Washington University] reported in 1920, "Major Lacey attributes his archaeological legislation to this expedition in New Mexico with Dr. Hewett" (Carroll 1920: 4).

In 1904, following the sharp conflict in Congress over antiquities legislation, Commissioner W. A. Richards of the General Land Office decided that the situation required a new review of the entire antiquities preservation problem on federal lands. To perform this task he turned to Hewett. On September 3, 1904, Hewett submitted to Commissioner Richards a "Memorandum concerning the historic and prehistoric ruins of Arizona, New Mexico, Colorado, and Utah, and their preservation." For the first time, Hewett's memorandum provided the General Land Office and eventually the Congress with a comprehensive review of all the Indian antiquities located on federal lands in four key states. An accompanying map showed the location of major ruins in the basins of the Rio Grande, San Juan, Little Colorado, and Gila, which he called "the four great seats of prehistoric culture of the so-called pueblo region." Within each basin he identified "the principal groups or districts of ruins of each great culture area." There were 20 such districts. Based on his own observations and those of such leading archaeologists as Fewkes, Hough, Bandelier, Mindeleff, Prudden, and Cushing, he sketched the characteristics of each district and went on to describe many of the individual ruins, among them the proposed Pajarito National Park, Pecos, Grán Quivira, Aztec, Mesa Verde, Chaco Canyon, Canyon de Chelly, Walnut Canyon, Petrified Forest, El Morro or Inscription Rock, Montezuma Castle, Casa Grande, and the ruins along the Gila River (Hewett 1904c; U.S. Congress 1905b, 1906b). Better than any other single document, Hewett's memorandum clearly foreshadowed, in remarkable detail, the system of archaeological national monuments established in the Southwest following passage of the Antiquities Act.

In 1905 Hewett was appointed member of a committee formed by the American Anthropological Association to work for antiquities legislation, and he soon became its secretary. The members of this committee felt that the Lodge bill, S.5603, which with amendments had very nearly passed the last Congress, should be perfected and reintroduced in the new Congress due to convene in January 1906 (Hewett 1905d: 165). But Hewett recognized that the jurisdictional problem created

by passage of the Forest Transfer Act would have to be solved. On December 28, 1905, he discussed this and other points in a paper he read before a joint meeting of the American Anthropological Association and the Archaeological Institute held at Ithaca, New York (Hewett 1906b: 113):

It is manifestly impossible to concentrate the entire authority in this matter in any one Department. The purposes for which the lands of the United States are administered are so diverse that no Department could safely undertake to grant privileges of any sort upon lands under the jurisdiction of another Department. Accordingly, if archaeological work is proposed on forest reserves the application for permission must be to the Secretary of Agriculture; if on a military reservation, to the Secretary of War; and if on an Indian reservation or on unappropriated public lands, to the Secretary of the Interior. Any other system would lead to great confusion and conflict of interests.

Hewett then presented to the joint meeting a revised draft of an antiquities bill that he believed preserved the spirit of the measure agreed to by the two societies the previous year and at the same time met the wishes of the various federal departments. Which departments and bureaus he consulted in the preparation of this draft Hewett did not say, but subsequent events demonstrated that it reconciled the conflicting interests that had plagued antiquities legislation for six years. At the joint business meeting of the two Associations, Hewett's draft bill was unanimously endorsed (Hewett 1906b: 114). On January 9, 1906, Representative Lacey introduced it [Appendix A] in the House as H.R.11016 (Rogers 1958, Vol. 4, App. A).

John Fletcher Lacey of the Sixth District of Iowa, after whom the Antiquities Act was eventually named, was an outstanding conservation leader at a time when conservation issues absorbed the attention of the nation. Born in 1841, in a one-room log cabin on the Ohio River, he later moved with his parents to Iowa. After serving in the 33d Iowa Volunteers during the Civil War, he studied law. A dedicated student, he compiled all the railway cases in the English language and became an outstanding authority on railroad law. He was elected to Congress in 1889 and with the exception of one term served continuously until 1907. He was an ardent student of Indian affairs, public lands, wildlife, and forestry, and he shaped legislation in all these fields. He defended

national parks and forest reserves against attacks by western land looters (Payne 1933). As John Ise has written, “Without Lacey’s pervasive and persistent influence, the history of conservation in the United States would be very different, and our situation today would be worse, perhaps very much worse” (Ise 1961: 148).

On February 26 Senator Thomas MacDonald Patterson of Colorado [at Lacey’s request] introduced a companion measure to the House bill in the Senate, S.4698. Both bills followed Hewett’s draft exactly and read as follows (Rogers 1958, Vol. 4, App. A; Hewett 1906b: 113–14):

A Bill

For the Preservation of American Antiquities

1. That any person who shall appropriate, excavate, injure, or destroy any historic or prehistoric ruin or monument, or any object of antiquity situated on lands owned or controlled by the Government of the United States, without the permission of the Secretary of the Department of Government having jurisdiction over the lands on which said antiquities are situated shall, upon conviction, be fined a sum not more than five hundred dollars or be imprisoned for a period of not more than ninety days, or shall suffer both fine and imprisonment in the discretion of the court.

2. That the President of the United States is hereby authorized, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected: *Provided*, That when such objects are situated upon a tract covered by a bona fide unperfected claim or held in private ownership, the tracts, or so much thereof as may be necessary for the proper care and management of the object may be relinquished to the Government, and the Secretary of the Interior is hereby authorized to accept the relinquishment of such tracts in behalf of the Government of the United States.

3. That permits for the examination of ruins, the excavation of archeological sites, and the gathering of objects of antiquity upon

the lands under their respective jurisdictions, may be granted by the Secretaries of the Interior, Agriculture, and War, to institutions which they may deem properly qualified to conduct such examination, excavation, or gathering, subject to such rules and regulations as they may prescribe: *Provided*, That the examinations, excavations, and gatherings are undertaken for the benefit of reputable museums, universities, colleges, or other recognized scientific or educational institutions, with a view to increasing the knowledge of such objects, and that the gatherings shall be made for permanent preservation in public museums.

4. That the Secretaries of the Departments aforesaid shall make and publish from time to time uniform rules and regulations for the purpose of carrying out the provisions of this act.

This bill took care of six important points not adequately covered in any previous proposal. First, the provisions were made applicable to antiquities situated on any "lands owned or controlled by the Government of the United States." Previous bills applied only to the public lands, leaving their applicability to forest reserves, Indian lands, and military reservations uncertain. Secondly, the authority of the President to establish public reservations was made to include "historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest." Senator Lodge's bill, in its several earlier versions, had been limited to historic and prehistoric antiquities and made no provision for protecting natural areas. At some point in his discussions with government departments, Hewett was persuaded, probably by officials of the Interior Department, to broaden his draft to include the phrase "other objects of historic or scientific interest." This language may have come from the old Interior Department bill, H.R.11021. As it later turned out, the single word "scientific" in the Antiquities Act proved sufficient basis to establish the entire system of 51 national monuments preserving many kinds of natural areas, including Grand Canyon, Zion, Mount Olympus, Death Valley, Glacier Bay, and Katmai, that were set aside by successive Presidents between 1906 and 1969 primarily though not exclusively for their scientific value. Eight of these monuments later became the bases for well-known national parks.

Thirdly, the President's discretion to proclaim national monuments was made subject to a provision that the limits of such monuments "should be confined to the smallest area compatible with the proper

care and management of the objects to be protected.” Several earlier bills provided that such reservations be limited to 320 acres or 640 acres. This flexible provision that permitted the President to establish larger areas if justifiable was accepted by western members of Congress and proved vital to successful administration of the act.

Fourthly, the bill introduced the term “National Monument” into the language of conservation. Why Hewett recommended this term is not known. To make small archaeological reservations “National Parks” must have seemed inappropriate and probably difficult to get through Congress. The word “monument” appeared in several earlier bills and may have suggested the term finally adopted. Between 1904 and 1908 Hewett studied at intervals at the University of Geneva and [submitted] his doctor’s thesis in French, entitled *Les Communautés anciennes dans le désert américain* (Forrest 1965: 145 [Hewett 1908, 1993]). Perhaps the term “monument” suggested itself to Hewett because of its wide usage in France.

Fifthly, the bill authorized the Secretary of the Interior to accept the donation of lands in private ownership on which were situated historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest. This authority appeared a little ambiguous at first, but it was soon sustained after passage of the act and has been utilized many times since.

Lastly, after investing the Secretaries of Interior, War, and Agriculture with authority to grant excavation permits, the bill provided that they make and publish “uniform rules and regulations” to carry out the law’s provisions [Appendix B]. It seems likely that it was informally understood all around that if the bill passed, the role of the Smithsonian Institution as scientific advisor would be protected and clearly set forth in the uniform rules and regulations, making its definition in the law unnecessary (Hewett 1906b: 110–12). This may have avoided another controversy.

The House Committee on Public Lands considered H.R.11016 promptly, and Representative Lacey reported it favorably, with minor amendments, on March 12 (U.S. Congress 1906b). However, no one seemed to want even these minor changes. Senator Patterson’s companion bill, S.4698, was reported favorably by the Senate Committee on Public Lands without change on May 24 [U.S. Congress 1906c]. The next day it was referred to Lacey’s committee in the House. On June 5, Lacey reported it favorably, this time without change, and it passed. On June 8, 1906, it was signed into law by President Theodore

Roosevelt. Not a single significant word had been altered from the draft bill Hewett had presented to the American Anthropological Association and the Archaeological Institute of America six months before. Because of the strong support [Lacey] gave the measure in Congress and the key role he played in bringing about its passage for many years, the legislation was familiarly called the Lacey Act.

CREATING MESA VERDE NATIONAL PARK
AND CHARTERING THE
ARCHAEOLOGICAL INSTITUTE, 1906

From 1900 to 1906, while the provisions of the Antiquities Act were being worked out, two other major proposals were also before Congress to establish large areas of public lands containing many ancient ruins as national parks.

The first was the proposed Colorado Cliff Dwellings or Mesa Verde National Park in southwestern Colorado. Interest in this area of spectacular cliff dwellings and canyons had been continuous since the December days in 1888 when Richard Wetherill and Charles Mason stumbled onto Cliff Palace and Spruce Tree House while pursuing their cattle. As early as 1891, the General Assembly of Colorado petitioned Congress for establishment of part of the Southern Ute Indian Reservation as a National Park to embrace the Mesa Verde ruins. In 1894 "sundry citizens of Colorado" again petitioned Congress for the same purpose (Rogers 1958, Vol. 58, Part I: 1). By 1900 Mrs. Gilbert [Virginia] McClurg and Mrs. W. S. [Lucy] Peabody of Denver had organized the Colorado Cliff-Dwellings Association and begun to work with scientists and Congressmen for a park bill [Smith 1988: 41-48]. On February 22, 1901, Representative John Franklin Shafroth of Colorado introduced H.R.14262 to create the Colorado Cliff Dwellings National Park, which he reintroduced in the next two Congresses. Progress finally began to be made in 1905 when Representative Herschel Millard Hogg of nearby Cortez, Colorado, introduced H.R.5998 to create the Mesa Verde National Park (Rogers 1958, Vol. 4, App. A).

One of the main obstacles to the park was the fact that some of the most important cliff dwellings, including Cliff Palace, were not on public land, but within the Southern Ute Indian Reservation. In the spring of 1906 a survey was made by the Bureau of American Ethnol-

ogy, with the help of Edgar Lee Hewett, to fix the park boundaries. Hewett accompanied the surveyors and identified the ruins to be included (Kelsey 1906: 341). As thus described, the proposed Mesa Verde park comprised a strip of land along the Mancos River 14.5 miles long and several miles wide, embracing a total area exceeding 65 square miles. Concerned over important omissions from the park proposal, Hewett wrote Commissioner Francis Ellington Leupp of the Office of Indian Affairs and suggested an amendment to Hogg's bill providing that all prehistoric ruins situated on Indian lands within five miles of the boundaries of Mesa Verde National Park also be included within the jurisdiction of its officers for administrative purposes. This strip contained an additional 274 square miles. The amendment was promptly accepted by the House Public Lands Committee (U.S. Congress 1906a: 1-2). As Hewett wrote, "This secures what has been so much desired by all, namely the inclusion of all the great Mesa Verde and Mancos Canyon ruins within the National Park" (Hewett 1907: 233).

Impressive support for a Mesa Verde National Park poured in from all over the country. On January 11, 1905, in a public hearing, the many proponents of general antiquities legislation from Boston, New York, Washington, and other eastern cities went on record with Representative Lacey's committee in favor of the Mesa Verde proposal. West-erners were also prominent in their endorsement, including Governor Jesse Fuller McDonald of Colorado, the Nebraska Academy of Sciences, the Iowa Anthropological Association, the Davenport Academy of Sciences, the Pueblo (Colorado) Business Men's Association, the Colorado Equal Suffrage Association, the Colorado State Horticultural Society, and the Colorado State Forestry Association (U.S. Congress 1906a: 1-5).

On June 15 the House Committee on Public Lands reported the Mesa Verde National Park bill favorably, and eight days later it had passed both the House and Senate. It was signed by President Roosevelt on June 30, only 22 days after he approved the Antiquities Act.

Just why Mesa Verde was given special treatment as a national park instead of being scheduled for preservation as a national monument under the Antiquities Act is not clear. The proposed area may have been thought too large to be made a national monument. Its Colorado sponsors may also have insisted on national park status. In any event Mesa Verde was established as a "national park" in 1906 in the same sense that Chickamauga battlefield was made a "national park" in 1890

and Gettysburg battlefield in 1895. The Mesa Verde act did not refer to “the preservation of all timber, mineral deposits, natural curiosities, or wonders . . . and their retention in their natural condition,” as did the acts for Yellowstone (1872), Sequoia, Yosemite (1890), and Mount Rainier (1899). Instead, in authorizing the Secretary of the Interior to prescribe rules and regulations for Mesa Verde, the law provided that “such regulations shall provide specifically for the preservation from injury or spoliation of the ruins and other works and relics of prehistoric or primitive man within said park, and, as far as possible, for the restoration of said ruins” (Tolson 1933). The law also authorized the Secretary to issue permits to qualified persons for excavations. Mesa Verde National Park is essentially one of the historical units in the National Park System.

Commenting in the fall of 1906 on the passage of this act, Francis W. Kelsey, classicist and archaeologist of the University of Michigan, soon to be elected president of the Archaeological Institute of America, wrote: “In the next session of Congress provision will undoubtedly be made for the care of the Park. . . . Perhaps in the future a special bureau will be organized for the care of the national parks outside of Washington; it would seem as if much might be gained in both efficiency and economy of administration by placing them all under one management” (Kelsey 1906: 342).

Also between 1900 and 1906, a large area in northern New Mexico containing numerous Indian ruins was proposed as the Pajarito National Park, to embrace Frijoles, Pajarito, and five other canyons carved in a great volcanic plateau. The cavate dwellings along the base of the canyon walls, and the pueblo-like ruins on the canyon floors, had been described by Bandelier in the 1880s and the 1890s. Here too was the setting for his unusual novel, *The Delight Makers* (Bandelier 1890a). It is remarkable that as early as 1888, Representative William Steele Holman of Indiana introduced a bill to establish this region as a public reservation “for the preservation from injury or spoliation of all natural and archaeological curiosities” (Rogers 1958, Vol. 4, App. A). In the 1890s Edgar Lee Hewett began careful studies of these ruins, an undertaking facilitated by his appointment as president of New Mexico Normal University. In 1899 the General Land Office made its own study of possible protective measures. On December 4 “Detailed Clerk” James D. Mankin submitted a report proposing the establishment of a 153,000-acre complex, containing cliff dwellings, large communal

houses, defense outposts, boulder-marked sites, and burial mounds and crypts, as the Pajarito National Park, named for Pajarito Canyon. Mankin's report emphasized the large number of ruins, stating that one could see "from a single eminence on the Pajarito the doors of more than two thousand of these [cave] dwellings" which, "if arranged in a continuous series . . . would form an unbroken line . . . not less than sixty miles in length" (U.S. Congress 1901: 2).

On July 31, 1900, on the basis of Mankin's report, Commissioner Binger Hermann temporarily withdrew 153,000 acres of public lands in the region from sale, entry, or settlement pending Congressional consideration of the national park proposal (Rogers 1958, Vol. 6, App. C). On December 8 Secretary Hitchcock sent the proposal to Representative Lacey with a draft of a bill, which Lacey promptly introduced. After adding an amendment allowing the Secretary to permit grazing, since there were indications of "excellent grama grass" in some parts of the area, as well as "a heavy growth of pine, spruce, and fir," the bill was reported favorably by the House Public Lands Committee on January 23, 1901 (U.S. Congress 1901: 2). But no further action was taken then.

Meanwhile, the Bureau of Forestry in the Department of Agriculture became interested in the timber resources of the region and arranged in 1903 for S. J. Holsinger to study the proposal in the field. His report, sent to the House Committee in 1904, supported deletion of the timber resources from the park proposal and their addition to a proposed Jemez Forest Reserve. This and other adjustments that Holsinger supported reduced the area of the proposed national park from some 240 square miles to less than 55 (U.S. Congress 1905a: 2-6). The Santa Clara Indians, with whom Holsinger met, also needed more land. On July 29, 1905, President Roosevelt transferred some 47 square miles, including much of the remaining area of the proposed park, to the Santa Clara Indians. This action killed the national park, for the land thus transferred, wrote Hewett, "embraces all the great Puye and Santa Clara group of cliff dwellings, the principal center of interest in the proposed Pajarito National Park." He added that "there can be no question of the justice of this extension," but regretted that some of the better timber and grazing land had not been offered the Indians instead of this great group of prehistoric ruins (Hewett 1905e: 570). Although Lacey reported the amended bill favorably in 1905, no action was taken by Congress. Eleven years later, on February 11,

1916, President Woodrow Wilson proclaimed much of this area, some 35 square miles of the Santa Fe National Forest, as the Bandelier National Monument. It was administered by the Department of Agriculture until 1933.

A final archaeological measure enacted by Congress in 1906 concerned the Archaeological Institute of America. Formed in Boston in 1879 as a voluntary association, it had grown to include 21 chapters in all parts of the country. By 1906 its officers considered that the time had come to seek to incorporate the Institute formally by Act of Congress. A bill was prepared entitled "An Act Incorporating the Archaeological Institute of America" whose purpose was stated to be "promoting archaeological studies by investigation and research in the United States and foreign countries by sending out expeditions for special investigation, by aiding the efforts of independent explorers, by publication of archaeological papers . . . and by any other means which may from time to time be desirable" (Anonymous 1906a). This bill was sponsored in the House by Representative Nicholas Longworth and in the Senate by Senator Henry Cabot Lodge. It passed the Senate April 6, the House May 21, and was signed by President Roosevelt on May 26 [Seymour 1906: 1]. By granting this charter in 1906, Congress recognized the importance of citizen participation in archaeological programs in much the same way that in 1949 it recognized the importance of citizen participation in the entire historic preservation movement by granting a Congressional charter to the National Trust for Historic Preservation in the United States.

A whole generation of dedicated effort by scholars, citizens, and members of Congress, which had begun in 1879, culminated in 1906 with the passage by Congress of three important measures to advance archaeology: the Antiquities Act, Mesa Verde National Park, and a charter for the Archaeological Institute of America. More important, this generation, through its explorations, publications, exhibits, and other activities, awakened the American people to a lasting consciousness of the value of American antiquities, prehistoric and historic. This public understanding, achieved only after persistent effort in the face of much ignorance, vandalism, and indifference, was a necessary foundation for many subsequent conservation achievements. Among them were several of great importance to the future National Park System, including the establishment of many national monuments, development of a substantial educational program for visitors, and eventually

the execution of a far-reaching nationwide program to salvage irreplaceable archaeological objects threatened with inundation or destruction by dams and other public works and their preservation for the American people.

THE PROCLAMATION OF NATIONAL MONUMENTS
UNDER THE ANTIQUITIES ACT, 1906-1970

The first national monument to be established under provisions of the Antiquities Act was proclaimed by President Theodore Roosevelt on September 24, 1906. It was created to protect Devils Tower, a well-known geological formation in Crook County, Wyoming. The massive stone shaft which gave the monument its name rises abruptly some 600 feet from its base and some 1,300 feet above the nearby Belle Fourche River. This unusual geological formation, sometimes visible in that almost cloudless region for nearly 100 miles, was often used by Indians, explorers, and settlers as a guidepost. A temporary forest reservation was created around Devils Tower on February 19, 1892, to protect it from private entry and possession. A bill was subsequently introduced in Congress to establish "The Devils Tower Forest Reserve and National Park" but it failed to pass (Bond 1912: 82-83). The proclamation created a 1,152-acre reservation embracing "the lofty and isolated rock" known as Devils Tower which is "such an extraordinary example of the effect of erosion in the higher mountains as to be a natural wonder and an object of historic and great scientific interest" (Sullivan 1947: 171). Although historic interest is cited as a factor, this first proclamation created what was essentially a scientific monument—an accurate foretaste of subsequent emphasis in the administration of the act.

Before President Roosevelt left office in 1909 he signed proclamations establishing 18 national monuments. Six were created primarily to preserve historic and prehistoric structures and objects, including El Morro and Chaco Canyon in New Mexico and Montezuma Castle and Tumacacori in Arizona. Twelve were created primarily to preserve "other objects . . . of scientific interest" including in addition to Devils Tower, Petrified Forest and Grand Canyon in Arizona, Natural Bridges in Utah, and Mount Olympus in Washington. Nine of these first 18 monuments were established on lands administered by the Interior Department and nine on lands under the jurisdiction of the Department

of Agriculture. Let us look briefly at a sample of the proclamations creating some of these first historic and scientific monuments, noting their characteristics and the implications they suggest for the future administration of the act.

The first historic monument was El Morro in the territory of New Mexico, a famous landmark familiar to the Indians and well known to white men since Spanish times. The proclamation, signed on December 8, 1906, stated that "the rocks known as El Morro and Inscription Rock . . . are of the greatest historical value and it appears that the public good would be promoted by setting aside said rocks as a national monument" (Sullivan 1947: 177, Proclamation 695). The reservation contained only 160 acres. On the same day, Roosevelt made "Montezuma's Castle" in Arizona a national monument, characterizing it as a prehistoric structure "of the greatest ethnological value and scientific interest" (Sullivan 1947: 235, Proclamation 696). It also contained 160 acres. Chaco Canyon was established as a monument on March 11, 1907, embracing 20,629 acres. The proclamation referred to the extensive prehistoric communal or pueblo ruins, generally known as the Chaco Canyon ruins, as possessing "extraordinary interest because of their number and their great size and because of the innumerable and valuable relics of a prehistoric people which they contain" (Sullivan 1947: 148, Proclamation 740). Preservation of the Chaco Canyon ruins had for years been a major objective of archaeologists and ethnologists in all parts of the country. Its establishment on March 11, 1907, protected probably the most important group of prehistoric ruins ever to be made a national monument under the Antiquities Act.

The first scientific monument to be established after Devils Tower was Petrified Forest, initially containing 6,776 acres, designated on December 8, 1906. The proclamation referred to "the mineralized remains of Mesozoic forests" which possess "the greatest scientific interest and value." Muir Woods, California, was proclaimed a national monument on January 9, 1908, and set an important precedent as the first monument to be established on land donated to the United States under Section 2 of the Antiquities Act. Muir Woods was the generous gift of William Kent and his wife Elizabeth Thatcher Kent, who had rescued the grove from almost certain destruction only a year before. Kent soon became a Congressman from California, a close friend of Stephen Mather, and a sponsor of the bill that created the National

Park Service in 1916. The proclamation establishing this 295-acre reservation characterized it as containing “an extensive growth of red-wood trees (*Sequoia sempervirens*) . . . of extraordinary scientific interest and importance because of the primeval character of the forest in which it is located, and of the character, age and size of the trees” (Sullivan 1947: 240, Proclamation 793).

The most remarkable of the early scientific monuments, however, was Grand Canyon. The first eleven historic and scientific monuments to be established had all been comparatively small in size, averaging about 3,300 acres. On January 11, 1908, however, Roosevelt proclaimed an immense area in Arizona Territory containing 818,560 acres to be the Grand Canyon National Monument. The proclamation stated that “whereas, the Grand Canyon of the Colorado River . . . is an object of unusual scientific interest, being the greatest eroded canyon within the United States, . . . it appears that the public interests would be promoted by reserving it as a National Monument, with such other land as is necessary for its proper protection.” This area had been designated a forest reservation by the president some years before. The proclamation creating the Grand Canyon National Monument was therefore careful to state that its establishment was not intended to prevent use of the lands for forest purposes. The two reservations were both to be effective but “the National Monument . . . shall be the dominant reservation” (Sullivan 1947: 28, Proclamation 794). Thus the first precedent was created for establishing large scientific monuments under authority of the Antiquities Act, a precedent subsequently followed by five other presidents. In 1916, during hearings before the House Committee on Public Lands on bills to establish a National Park Service, J. Horace McFarland, president of the American Civic Association, recalled the circumstances of the Grand Canyon proclamation (U.S. Congress 1916b: 53).

The reason the Grand Canyon of the Colorado is in the Forest Service was because the American Civic Association was bombarded by some man who insisted that there was a trolley line about to be constructed around it, which would not add to its natural attractiveness. At that time, Mr. Pinchot was the Forester, and I was one of several who made a loud noise in his ear, in consequence of which he went to Mr. Roosevelt, and had the Grand Canyon located as a monument in the first reserve.

The first historic and prehistoric monuments, notably El Morro, Chaco Canyon, Gila Cliff Dwellings, and Montezuma Castle, helped carry out the comprehensive plan for preserving southwestern antiquities that Hewett set forth in his memorandum to the Commissioner of the General Land Office in 1904 (Hewett 1904b). There appears to have been little system, however, in selecting most of the early scientific monuments. In those years, no one department or bureau was charged with responsibility for making surveys or developing a comprehensive preservation program under the Antiquities Act. Its provisions, unaccompanied by criteria to guide selections, were variously interpreted by officials in three different federal departments. It is no wonder that Commissioner Fred Dennett of the General Land Office noted in his annual report for 1908 that “the words of the act, ‘Historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest,’ fix practically no limits as to the character of the object to be reserved, and therefore the monuments vary greatly in their physical characteristics” (Claus 1945: 19). This interpretation of the law helps explain the subsequent establishment of a much wider range of national monuments than the framers of the act appear originally to have in mind, judging from the record of the hearings and related legislative history.

These observations and examples suggest that a detailed history of the administration of the Antiquities Act from 1906 to 1970 would be long and complex, requiring a volume in itself. The unique character of each of the 87 national monuments proclaimed by successive presidents and the particular circumstances that led to each proclamation deserve investigation and recording. Such a task is beyond the limits of the present study. It is possible, however, to provide a general outline of the progress made in establishing national monuments pursuant to the Antiquities Act from 1906 to 1970 and to offer some general observations on their significance for the growth of the National Park System [see Rothman 1989 for analysis through 1981]. No attempt will be made here to trace the interesting history of the adoption of the Uniform Rules and Regulations [Appendix B] jointly approved by the Secretaries of Interior, Agriculture, and War on December 28, 1906, which define departmental jurisdiction over national monuments and govern the issuance of permits for archaeological excavations as required by Sections 3 and 4 of the Act. Neither is it possible to examine the subsequent course of permit administration or the history of the enforcement of the penalties against vandalism authorized by Section 1

of the Act. We begin our account of the establishment of national monuments with three tables [tables 1, 2, 3].

Examining tables 1 and 2 we note that between 1906 and 1970 eleven presidents proclaimed 36 historic and 51 scientific national monuments under the provisions of the Antiquities Act, or 87 in all. Ten of

Table 1. Thirty-six Historic Areas Established as National Monuments by Executive Proclamation under the Antiquities Act, 1906–1969

By President Theodore Roosevelt

El Morro, N.Mex., Dec. 8, 1906
Montezuma, Ariz., Dec. 8, 1906
Chaco Canyon, N.Mex., Mar. 11, 1907
Gila Cliff Dwellings, N.Mex.,
Nov. 16, 1907*
Tonto, Ariz., Dec. 19, 1907*
Tumacacori, Ariz., Sept. 15, 1908

By President Taft

Navajo, Ariz., Mar. 20, 1909
Gran Quivira, N.Mex., Nov. 1, 1909
Sitka, Alaska, Mar. 23, 1910
Big Hole, Mont., June 23, 1910**
(Later changed to National Battlefield)

By President Wilson

Cabrillo, Calif., Oct. 14, 1913**
Walnut Canyon, Ariz., Nov. 30, 1915*
Bandelier, N.Mex., Feb. 11, 1916*
Old Kasaan, Alaska, Oct. 25, 1916*
(Abolished July 26, 1955)
Verendrye, N.Dak., June 29, 1917
(Abolished July 30, 1956)
Casa Grande, Ariz., Aug. 3, 1918
Scotts Bluff, Nebr., Dec. 12, 1919
Yucca House, Colo., Dec. 12, 1919

By President Harding

Aztec Ruins, N.Mex., Jan. 24, 1923
Hovenweep, Utah-Colo., Mar. 2, 1923
Mound City, Ohio, Mar. 2, 1923**
Pipe Spring, Ariz., May 31, 1923

By President Coolidge

Castillo de San Marcos, Fla.,
Oct. 15, 1924**
Fort Matanzas, Fla., Oct. 15, 1924**
Fort Pulaski, Ga., Oct. 15, 1924**
Statue of Liberty, N.Y., Oct. 15, 1924**
Castle Pinckney, S.C., Oct. 15, 1924**
(Abolished Mar. 29, 1956)
Wupatki, Ariz., Dec. 9, 1924
Meriwether Lewis, Tenn., Feb. 26, 1925
(Added to Natchez Trace Parkway,
Aug. 10, 1961)
Father Millet Cross, N.Y., Sept. 5, 1925**
(Abolished Mar. 29, 1956)

By President Franklin D. Roosevelt

Fort Jefferson, Fla., Jan. 4, 1935
Fort Laramie, Wyo., July 16, 1938
(Later changed to National Historic Site)
Tuzigoot, Ariz., July 24, 1939

By President Truman

Effigy Mounds, Iowa, Oct. 25, 1949

By President Eisenhower

C&O Canal, Md.-W.Va., Jan. 18, 1961

By President Kennedy

Russell Cave, Ala., May 11, 1961

*Originally administered by the Department of Agriculture

**Originally administered by the War Department

Table 2. Fifty-one Scientific Areas established as National Monuments by Executive Proclamation under the Antiquities Act, 1906-1969, now classified as Natural Areas by the National Park Service

By President Theodore Roosevelt

Devils Tower, Wyo., Sept. 24, 1906
 Petrified Forest, Ariz., Dec. 8, 1906
 Lassen Peak, Calif., May 6, 1907*
 (Nucleus of Lassen Volcanic N. P.)
 Cinder Cone, Calif., May 6, 1907*
 (Nucleus of Lassen Volcanic N. P.)
 Muir Woods, Calif., Jan. 9, 1908
 Grand Canyon, I, Ariz., Jan 11, 1908*
 (Nucleus of Grand Canyon N. P.)
 Pinnacles, Calif., Jan. 16, 1908*
 Jewel Cave, S. Dak., Feb. 7, 1908*
 Natural Bridges, Utah, Apr. 16, 1908
 Lewis & Clark, Mont., May 11, 1908
 (Abolished Aug. 24, 1937)
 Wheeler, Colo., Dec. 7, 1908*
 (Abolished Aug. 3, 1950)
 Mount Olympus, Wash., Mar. 2, 1909*
 (Nucleus of Olympic N. P.)

By President Taft

Oregon Caves, Ore., July 12, 1909*
 Mukuntuweap, Utah, July 31, 1909
 (Nucleus of Zion N. P.)
 Shoshone, Wyo., Sept. 21, 1909
 (Abolished May 17, 1954)
 Rainbow Bridge, Utah, May 30, 1910
 Colorado, Colo., May 24, 1911
 Devils Postpile, Calif., July 6, 1911*
 Papago Saguaro, Ariz., Jan. 31, 1914
 (Abolished Apr. 17, 1930)

By President Wilson

Dinosaur, Utah-Colo., Oct. 4, 1915
 Sieur de Monts, Me. July 8, 1916
 (Nucleus of Acadia N. P.)
 Capulin Mt., N.Mex., Aug. 9, 1916
 Katmai, Alaska, Sept. 24, 1918

By President Harding

Lehman Caves, Nev., Jan 24, 1922*
 Timpanogos Cave, Utah, Oct. 14, 1922*

Fossil Cycad, S. Dak., Oct. 21, 1922
 (Abolished Aug. 1, 1956)
 Bryce, Utah, June 8, 1923*
 (Nucleus of Bryce Canyon N. P.)

By President Coolidge

Carlsbad, N.Mex., Oct. 25, 1923
 (Nucleus of Carlsbad Caverns N. P.)
 Chiricahua, Ariz., Apr. 18, 1924*
 Craters of the Moon, Idaho, May 2, 1924
 Glacier Bay, Alaska, Feb. 26, 1925
 Lava Beds, Calif., Nov. 21, 1925

By President Hoover

Arches, Utah, Apr. 12, 1929
 Holy Cross, Colo., May 11, 1929*
 (Abolished Aug. 3, 1950)
 Sunset Crater, Ariz., May 26, 1930*
 Great Sand Dunes, Colo., Mar. 17, 1932
 Grand Canyon, II, Ariz., Dec. 22, 1932
 White Sands, N. Mex., Jan. 18, 1933
 Death Valley, Calif.-Nev., Feb. 11, 1933
 Saguaro, Ariz., Mar. 1, 1933*
 Black Canyon, Colo., Mar. 3, 1933

By President Franklin D. Roosevelt

Channel Islands, Calif., Apr. 26, 1933
 Cedar Breaks, Utah, Aug. 22, 1933
 Joshua Tree, Calif., Aug. 10, 1936
 Zion, Utah, Jan. 22, 1937
 (Incorporated in Zion N. P.)
 Organ Pipe Cactus, Ariz., Apr. 13, 1937
 Capitol Reef, Utah, Aug. 2, 1937
 Santa Rosa Island, Fla., May 17, 1939
 (Abolished July 30, 1946)
 Jackson Hole, Wyo., Mar. 15, 1943
 (Incorporated in new Grand Teton N. P.)

By President Kennedy

Buck Island Reef, V.I., Dec. 28, 1961

By President Lyndon B. Johnson

Marble Canyon, Ariz., Jan. 20, 1969

*Originally administered by the Department of Agriculture

Table 3. Twenty-eight National Monuments authorized by special acts of Congress, 1929–1969, and approved as follows

HISTORIC MONUMENTS	
<i>By President Hoover</i>	Fort McHenry, Md., Aug. 11, 1939
George Washington B.P., Va., Jan. 23, 1930	George Washington Carver, Mo., July 14, 1943
Colonial, Va., July 3, 1930	
(Changed to national historical park June 5, 1936)	<i>By President Truman</i>
Canyon de Chelly, Ariz., Feb. 14, 1931	Custer Battlefield, Mont., Mar. 22, 1946
	Castle Clinton, N.Y., Aug. 12, 1946
<i>By President Franklin D. Roosevelt</i>	Fort Sumter, S.C., Apr. 28, 1948
Ocmulgee, Ga., June 14, 1934	Pensacola, Fla., July 2, 1948
Pioneer, Ky., June 18, 1934	(Never established as national monument)
(Legislation not implemented)	Saint Croix, Mc., June 8, 1949
Appomattox, Va., Aug. 13, 1935	
(Changed to national historical park Apr. 15, 1954)	<i>By President Eisenhower</i>
Patrick Henry, Va., Aug. 15, 1935	Fort Union, N.Mex., June 28, 1954
(Act repealed Dec. 21, 1944)	Booker T. Washington, Va., Apr. 2, 1956
Fort Stanwix, N.Y., Aug. 21, 1935	Grand Portage, Minn., Sept. 2, 1958
Homestead, Nebr., Mar. 19, 1936	
Fort Frederica, Ga., May 19, 1936	<i>By President Lyndon B. Johnson</i>
Perry's Victory, Ohio, June 2, 1936	Pecos, N.Mex., June 28, 1965
Pipestone, Minn., Aug. 25, 1937	Alibates Flint Quarries, Tex., Aug. 31, 1965
SCIENTIFIC MONUMENTS	
<i>By President Coolidge</i>	<i>By President Nixon</i>
Badlands, S. Dak., Mar. 4, 1929	Florissant Fossil Beds, Colo., Aug. 20, 1969
<i>By President Lyndon B. Johnson</i>	
Agate Fossil Beds, Tex., June 5, 1965	
Biscayne, Fla., Oct. 18, 1968	

these monuments, generally small and relatively unimportant ones, have since been abolished by Acts of Congress. The remaining 77 are thriving units of the National Park System. Sixty-three are national monuments, eleven formed the basis for nine national parks, one has become a national battlefield, one a national historic site, and one has been added to a national parkway. The Antiquities Act is therefore the original authority for more than one in every four units in the National

Park System. These areas, counting their original boundaries and subsequent additions, many of which were also made by proclamation under the authority of the Antiquities Act, contained approximately 12 million acres in 1970. This is more than 44 percent of the acreage in the entire National Park System.

Looking at the dates of the proclamations, we note that 82 of the 87 national monuments established under authority of the Antiquities Act were proclaimed between 1906 and 1943. Only five national monuments have been proclaimed during the entire 27 years since. These five are Effigy Mounds, Iowa; the Chesapeake and Ohio Canal, Maryland-West Virginia; Russell Cave, Alabama; Buck Island Reef, Virgin Islands; and Marble Canyon, Arizona. Two of these areas were donated to the United States and only the last was created out of the public lands. In 1943 use of the Antiquities Act as authority for establishing new units in the National Park System came to an abrupt halt following the proclamation of Jackson Hole National Monument in Wyoming by President Franklin Delano Roosevelt on March 15 of that year. President Roosevelt's action aroused tremendous and bitter opposition in Wyoming and in Congress (Ise 1961: 498-501). Except for Effigy Mounds, which was donated, no more national monuments were proclaimed for 18 years.

Then on January 18, 1961, just before leaving office, President Eisenhower proclaimed the Chesapeake and Ohio Canal National Monument. This action revived strong opposition in Congress, especially in the Committee on Interior and Insular Affairs, to the continuing exercise of the authority granted to the president in 1906 to proclaim national monuments. Except for Russell Cave, 310 acres, and Buck Island Reef, 850 acres, both proclaimed by President Kennedy in 1961, no more national monuments were established until January 20, 1969, the last day of the administration of President Lyndon Baines Johnson. On that day he proclaimed the Marble Canyon National Monument in Arizona embracing 26,000 acres and added 215,000 acres to Capitol Reef, and 49,000 acres to Arches, both in Utah, and 94,500 to Katmai in Alaska. President Johnson declined, however, to accept recommendations made to him to proclaim the Gates of the Arctic National Monument, comprising 4,119,000 acres in northern Alaska; a Mt. McKinley National Monument, also in Alaska containing 2,202,000 acres adjoining the national park; and a Sonoran Desert National Monument in Arizona embracing 911,700 acres (Department of the Interior news release, January 21, 1969).

Although the authority of the Antiquities Act has been used only five times in the last 27 years to establish new national monuments, it has often been used to enlarge the boundaries of existing national monuments, usually by small additions but sometimes by large ones. The availability of the authority of the act for this purpose has been a significant factor in the efficient management of the National Park System ever since 1916.

Looking at table 3, we note that in addition to the 87 established pursuant to provisions of the Antiquities Act, 28 national monuments have been authorized by individual acts of Congress between 1929 and 1969. These monuments were patterned after those created by proclamation and may be considered to some extent a secondary benefit of the Antiquities Act. Three of these monuments were subsequently abolished or their establishment allowed to lapse. The remaining 25 are still thriving units of the National Park System. Twenty-three are still national monuments, and two subsequently formed the basis for national historical parks. In many of these cases special authorizing legislation was necessary because of unusual circumstances, but these legislative actions, especially after 1943, also reflect the determination of Congress to establish its own responsibility for approving additions to the National Park System.

One of the most striking features in the administration of the Antiquities Act during the past 64 years is the surprising disparity between the number and size of the historic monuments as shown in table 1 and the scientific monuments shown in table 2. The 36 national monuments classified by the National Park Service as historical areas (after subtracting four that were subsequently abolished or not implemented) contained approximately 155,000 acres in 1970. Only ten contained more than 1,000 acres each. The four largest were Fort Jefferson, 47,125 acres; Wupatki, 35,232; Bandelier, 29,661; and Chaco Canyon, 20,989. These four monuments alone embraced 133,000 of the 155,000 acres contained in all the historical monuments proclaimed under the act.

More than 750 million acres, or one third of the nation's land was still "owned or controlled by the Government of the United States," in 1970 (Public Land Law Review Commission 1970). The main purpose of the Antiquities Act, according to its legislative history, was to preserve "historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest" situated on precisely such lands. Surely our great federal domain is not so poor in such historic

and archaeological resources that 155,000 acres adequately represents all those of national importance suitable for preservation as national monuments.

By contrast, 51 scientific monuments have been proclaimed under the act. In 1970, 34 of these are still national monuments and 11 have formed the basis for nine national parks including Acadia, Bryce, Carlsbad, Grand Canyon, Grand Teton, Lassen, Olympic, Petrified Forest, and Zion. All these reservations are now classified as Natural Areas by the National Park Service. In 1970 these 34 national monuments and nine national parks, with subsequent boundary changes, contained over 11,800,000 acres. The largest units in the National Park System are among these areas. A particularly conspicuous example is Glacier Bay National Monument in Alaska containing 2,803,522 acres, the largest single unit in the System. It is larger than the largest national park, Yellowstone, plus the Great Smoky Mountains. It is larger than 21 other national parks added together, including Acadia, Bryce, Carlsbad, Canyonlands, Crater Lake, Grant Teton, Hawaii Volcanoes, Lassen, Mammoth Cave, Mount Rainier, Petrified Forest, Rocky Mountain, Sequoia, Shenandoah, Virgin Islands, and Zion. Furthermore, another national monument, Katmai in Alaska, is the second largest area in the System. Containing 2,792,090 acres it is larger than Yellowstone plus Sequoia. Like Glacier Bay, it is larger than 21 other national parks combined.

It must be remembered that both these tremendous reservations were originally proclaimed many years ago, Katmai in 1918 and Glacier Bay in 1925, and both were in what was then very remote country. Other very large scientific monuments include Organ Pipe Cactus, Arizona, 328,691 acres; Joshua Tree, California, 511,580; and Death Valley, California, 1,882,998. There seems to be little record of opposition in Congress to these kinds of presidential actions prior to 1943. It must also be remembered that many of these primarily scientific areas also possessed significant though secondary historical and archaeological interest. While this interest differs greatly from that present in such great National Park System historical areas as Independence Hall, Fort McHenry, or Gettysburg, the role of scientific monuments as "vignettes of primitive America" is part of their fundamental appeal to the American people.

The record for preserving scientific areas under the broad authority of the Antiquities Act is superb. Many superlative and priceless exam-

ples of the American natural environment have by this means been given permanent protection. Many splendid and highly important historic monuments have also been established under this same authority. But the achievement in this category is by comparison very modest and more to the point is inadequate to meet the legitimate needs for historic preservation on federal lands.

Another striking fact revealed by table 2 is that 48 scientific monuments are situated west of the Mississippi river and only three east of it. The latter three are Sieur de Monts, Maine, donated to the United States in 1916 and subsequently the basis for Acadia National Park; Santa Rosa Island, Florida, proclaimed in 1939 from lands on a military reservation but abolished by Act of Congress on July 30, 1946; and Buck Island Reef, Virgin Islands, containing 850 acres, proclaimed in 1961. Of course, this small number of eastern scientific monuments is readily understandable since most of the land owned or controlled by the Government of the United States is situated in the west. It highlights the fact, however, that the United States as yet has made no specific provision for the preservation of nationally important scientific monuments, today called "natural areas," situated on the two-thirds of the nation's land not owned or controlled by the United States.

The situation is different in respect to historic monuments. Twelve of the 36 historic monuments are located east of the Mississippi River, including one that was subsequently added to a national parkway and two that were abolished. Seven eastern historic monuments were established from military reservation lands, including the Castillo de San Marcos, Florida; Fort Pulaski, Georgia; and the Statue of Liberty, New York. One was established on land formerly a military reservation—Fort Jefferson, Florida. Furthermore, the passage of the National Historic Sites Act in 1935, and the National Historic Preservation Act in 1966, provided a legal basis for a broad national historic preservation program on all lands in the nation regardless of ownership or location, including the two-thirds of the nation's land not owned or controlled by the Federal Government, much of it east of the Mississippi River.

For a long time after the passage of the Antiquities Act in 1906 national monuments were administered by three different federal departments—Agriculture, War, and Interior. Some 21 national monuments out of the total of 87 were established on lands under the jurisdiction of the Department of Agriculture. The first of these was Lassen Peak, California, created in 1907 and the last, with two conspicuous excep-

tions, was Saguaro, Arizona, proclaimed in 1933. Five of these 21 monuments subsequently formed the basis for four national parks—Lassen, Grand Canyon, Olympic, and Bryce. Three of these national parks were already under the jurisdiction of the National Park Service in 1933. On June 10 of that year jurisdiction over the remaining monuments was transferred from the Department of Agriculture to Interior by order of President Franklin D. Roosevelt. Thereafter officials in the Department of Agriculture lost interest in the proclamation of any new national monuments however nationally important the historic and scientific features on the hundreds of millions of acres of federal lands they administered might prove to be. Other measures for preserving such features not involving any transfers of jurisdiction began to appeal to them more. Cedar Breaks [Utah] was nevertheless proclaimed a national monument by Roosevelt on August 22, 1933, out of lands within the Dixie National Forest (Sullivan 1947: 146, Proclamation 2054). At that time, however, the Forest Service was still fighting a rear-guard action against the transfer to the National Park Service of the monuments covered by Roosevelt's order of June 10. Ten years later on March 15, 1943, Roosevelt proclaimed the Jackson Hole National Monument [Wyoming] principally out of lands until then contained within the Grand Teton National Forest (Sullivan 1947: 213, Proclamation 2578). This proclamation was issued in spite of bitter opposition from many sources, including the Forest Service, livestock groups, and political interests in Wyoming [Rothman 1989: 214–21]. No new national monument has been established out of lands under the jurisdiction of the Department of Agriculture in the 27 years since 1943.

Nine of the 87 national monuments proclaimed under authority of the Antiquities Act were established on lands administered by the War Department, all of them between 1910 and 1925. The earliest was Big Hole Battlefield [Montana] created in 1910 and the last Father Millet Cross [New York] proclaimed in 1925. By that year the movement was getting under way which led in 1933 to the transfer of these national monuments, and the national military parks and battlefield sites, to the jurisdiction of the Interior Department. In 1924, in hearings before the Joint Committee on the Reorganization of the Government, Secretary of War John Wingate Weeks recommended that this transfer be made (U.S. Congress 1929: 3–10). On April 20, 1928, Secretary of the Interior Hubert Work and Secretary of War Dwight Filley Davis signed a joint letter to Senator Gerald Prentice Nye, Chairman of the Senate Committee on Public Lands and Surveys, transmitting a draft of

a bill designed to transfer jurisdiction over these reservations from the War Department to Interior and recommending its enactment (U.S. Congress 1929). There was a strenuous opposition to the transfer in the House Committee on Military Affairs, however, and the bill was killed (U.S. Congress 1929: 11–23). It remained for Director Horace Marden Albright to achieve this major reorganization, full of significance for the future of the National Park System, in negotiations with President Roosevelt in 1933. This reorganization, as noted above, also transferred all of Agriculture's monuments to Interior. Albright (1971) has fortunately provided the Service with a vivid and illuminating account of the fascinating course of this successful negotiation. After 1925 no more national monuments were proclaimed on lands administered by the War Department, perhaps because of concern that just such a transfer of jurisdiction might eventually take place.

There is a curious footnote to this brief account of the War Department and the Antiquities Act. On July 17, 1915, Major General H. L. Scott, Chief of Staff, signed War Department Bulletin No. 27 (pp. 1–12) by order of the Secretary of War. This astonishing document named 12 forts, 4 redoubts, 1 battery, 1 barracks, 1 battlefield, 3 Indian mound complexes, and 76 memorials, markers and monuments situated on lands under the jurisdiction of the War Department to be national monuments. Among these historic places were Fort Marion in Florida; Fort Pulaski, Georgia; Forts Pike and Macomb, Louisiana; Fort Mifflin, Pennsylvania; Fort Donelson, Tennessee; and Vancouver Barracks, Washington. The Indian sites included six mounds in Shiloh National Military Park, Tennessee, and an Indian ruin at Fort Apache. The memorials, markers, and monuments included numerous individual memorials in national cemeteries as well as the Statue of Liberty. In addition to proclaiming national monuments on fifty different reservations administered by the War Department, Bulletin No. 27 also named old forts on 11 military reservations which, while not declared national monuments, "are to be marked by appropriate markers as being places of historic interest." Among these were Fort Morgan, Alabama; Fort Barrancas, Florida; Fort Washington, Virginia; Fort Niagara, New York; and Forts Sumter and Moultrie, South Carolina. The Chief of Staff and the Secretary of War were of course without authority to proclaim national monuments, since the Antiquities Act reserved this power to the President. Nevertheless, Bulletin No. 27 was countersigned by Adjutant General H. P. McCain. It remained in effect for ten years. It was rescinded by [War Department] Bulletin No. 2 (p. 1) on March 20,

1925, five months after President Coolidge had made Fort Marion, Fort Matanzas, Fort Pulaski, Castle Pinckney and the Statue of Liberty national monuments by presidential proclamation dated October 15, 1924.

Fifty-seven of the 87 national monuments proclaimed under the Antiquities Act were established on lands administered by the Department of Interior. The first was Devils Tower, Wyoming, in 1906, and the latest, Marble Canyon, Arizona, in 1969. Six of these national monuments subsequently formed the basis for five national parks—Acadia, Carlsbad, Grand Teton, Petrified Forest, and Zion. Five monuments have been abolished. During the famous and important first National Park Conference, held at Yellowstone National Park on September 10–11, 1911, Frank Bond, Chief Clerk of the General Land Office, had many interesting things to say about national monuments, of which 17 were then administered by Interior, ten by Agriculture, and one by the War Department (Bond 1912: 80–81):

We have now monuments created by man, such as the pueblos, the cliff ruins, and the sepulchers of nameless and unknown peoples, often most extraordinary as to location, character, and size; we have mission churches of the earliest period of Spanish conquest in the Southwest, and also lofty rock towers and cliffs upon which were carved over 300 years ago, with the daggers of the commanders, the names, dates, and other records of their visits and activity there. We have cinder and lava mountain forms, exemplifying geologically recent volcanic activity. We have extraordinary canyons and caverns, lofty piles and monoliths, and natural bridges, magnificent and impressive almost beyond description, the products of erosion. We have also as a monument, a magnificent Pacific coast redwood forest, a grove of sequoia, which, as hardy seedlings, spread their evergreen leaflets to the warming sun almost before man began the written record of his birth and achievements. The great majority of these monuments were made possible because the objects preserved have great scientific interest; but I have at times been somewhat embarrassed by requests of patriotic and public-spirited citizens who have strongly supported applications to create national monuments out of scenery alone . . . The terms of the monument act do not specify scenery, nor remotely refer to scenery, as a possible *raison d'être* for a public reservation.

Frank Bond also discussed conditions surrounding administration of the 28 national monuments. With the single exception of Muir Woods, protection in 1911 was practically confined to the restraining effects of official warning notices, and a few local makeshift measures. No funds whatsoever had as yet been appropriated for any other forms of protection. Furthermore many of the monuments were inaccessible and needed at least some roads and development to become publicly useful. The chiefs of field divisions and the local land officers of the General Land Office together with parallel officials in the Forest Service exercised what supervision they could from distant locations. Bond made a strong plea for custodians, superintendents, or caretakers for the national monuments (Bond 1912: 96–100).

Bond (1912: 100) also pointed out that responsibility for national monuments was divided between three departments.

I believe, therefore, that not only should we have effective local custodianship, but the administration of all national monuments of whatever character or wherever located, or however secured, should be consolidated and the responsibility for their development, protection, and preservation placed where it can be made effective. It is possible that 28 national monuments, or that portion of them that needs development, do not form a sufficiently weighty trust to warrant a separate administrative unit to develop and administer them. If this be true, why not consolidate a little further? Create an administrative unit for the national monuments and national parks together. The method of creating these reserves is different, but after creation there is no evident difference between them. They are as like as two peas in a pod.

The idea of a National Park Service and a National Park System has a much longer history than can be traced here. It appears, however, that these concepts had been growing from various roots for some years and began to crystallize into specific proposals in 1911. On January 9 of that year Senator Reed Smoot of Utah introduced a bill in the Senate to establish a Bureau of National Parks. He reintroduced it on December 7 and on April 26, 1912, reported it favorably to the Senate with amendments from the Committee on Public Lands (U.S. Congress 1912a: 1–5). This bill went all the way in the direction of consolidation. After a first section establishing a bureau in the Department of the Interior to be called the National Park Service, Section 2 outlines its responsibilities as follows (U.S. Congress 1912b: 2):

That the director shall, under the direction of the Secretary of the Interior, have the supervision, management and control of the several national parks, the national monuments, the Hot Springs Reservation in the State of Arkansas, lands reserved or acquired by the United States because of their historical associations, and such other national parks, national monuments, or reservations of like character as may hereafter be created or authorized by Congress.

It was to take four more years, and remarkable labors by Stephen Tyng Mather, Horace Marden Albright, and their associates and friends before establishment of the National Park Service was finally authorized in 1916, and 22 more years before all these reservations were finally consolidated into one National Park System in 1933.

It is not possible in this study to trace the course of the National Park Service bill through Congress during 1915 and 1916. A strong effort was made at that time to consolidate all the national monuments administered by the Departments of Agriculture and Interior under the National Park Service. The two monuments under the jurisdiction of the War Department were passed over. The Forest Service, however, was strongly opposed to the proposed transfer of their monuments to the new bureau and Stephen Mather yielded the point rather than risk having the bill defeated. On May 16, 1916, Secretary of Agriculture David Franklin Houston (U.S. Congress 1916a: 6-7) wrote Representative Scott Ferris of Oklahoma, Chairman of the House Committee on Public Lands, that

unquestionably the Grand Canyon [which was still under the Forest Service] should be established as a national park and placed under the direct administration of the national park service . . . In addition, the Mount Olympus national monument, which is the only other monument under the administration of this department embracing any considerable area, should be given careful consideration as a possible national park, and if not included in such park by congressional action, should be restored to its original status as national forest land. If it should eventually be found desirable to transfer to the park service any of the other nine national monuments in the national forests, this may be accomplished at any time for any particular area by the issuance of a presidential proclamation.

This was on the whole a generous statement. Grand Canyon did become a national park under the Service in 1919. It turned out later, however, that the president lacked legal authority to transfer national monuments from one department to another by proclamation or executive order until passage of the Reorganization Act of 1933 gave him that authority (Opinions 1933: 75–79). This fact, together with continuing opposition from many officials in the Departments of Agriculture and War, and from many members of Congress, delayed the consolidation until 1933.

This reorganization of 1933 was an event of epoch-making importance for the National Park Service. It brought about, at long last, the consolidation of all the national parks and national monuments into one National Park System. But it achieved much more. It greatly broadened and strengthened the as yet embryonic historic preservation program of the National Park Service by the addition of all the famous federally owned national military parks and battlefield sites such as Gettysburg, Antietam, Chickamauga-Chattanooga, Shiloh, and Vicksburg, and such well-known national shrines as Fort McHenry, Abraham Lincoln's Birthplace, and the Lee Mansion. It also added the great national memorials to the System, including the Washington Monument, the Lincoln Memorial, and the Statue of Liberty. And it added the National Capital Parks to Service responsibilities, a model metropolitan park system directly under the eyes of Congress (Sullivan 1947: 6, Executive Order 6228). The large and important contribution the War Department made to historic preservation in the United States by the rescue, protection, and development of these many nationally significant historic places during a half century of dedicated effort prior to 1933 is insufficiently understood and appreciated today. The consolidation, however, was absolutely vital to the future of historic preservation on a national scale in the United States. The National Park Service, the historic preservation movement, and the nation will remain indebted to Director Horace Marden Albright for his key role in this achievement.

Even though consolidated into one National Park System, most national monuments still suffered in 1933 from serious understaffing and inadequate or even makeshift facilities for administration, protection, and the reception of visitors. Superintendent Frank Pinkley, in charge of more than a score of Southwestern National Monuments situated in New Mexico, Arizona, and Colorado, with headquarters at Casa Grande, strove valiantly during a long and constructive lifetime to

achieve recognition for the importance of national monuments together with sufficient resources for their proper administration. He left as a legacy a tradition of exceptional dedication to conservation and public service which still lives in National Park System areas throughout the Southwest [Rothman 1989: 108–84].

Some progress in staffing and physical facilities was made at certain national monuments during the years of the Civilian Conservation Corps and the Public Works Administration between 1933 and 1941. But the national monuments did not come fully into their own as units of the System until Mission 66. This great program, the fruit of the leadership of Director Conrad Louis Wirth, at long last provided the resources to bring every unit of the National Park System to a consistently high standard of protection and carefully controlled but essential physical development. Beginning in 1956, a half century after the passage of the Antiquities Act, Mission 66 provided the housing, the monument headquarters, the visitor centers, and the trails that finally revealed the full significance of the national monuments as parts of our national heritage.

Frank Bond's phrase characterizing national parks and national monuments "as like as two peas in a pod," was often quoted over the years as part of the justification for consolidating the national monuments into the National Park System. It is probably true that many national parks and national *scientific* monuments are as like as two peas in a pod. But national parks and national *historical* monuments are not as like as two peas in a pod and never have been. Rather, they are as different as apples and oranges. It took 53 years after 1911 for the fundamental distinction between natural and historical areas to be clearly recognized by the National Park Service and properly reflected in the formal organization of the National Park System. Based on the strong recommendation of Director George Benjamin Hartzog, Jr., who drafted it, Secretary of the Interior Stewart Lee Udall signed a landmark memorandum on July 10, 1964, identifying three categories of areas in the National Park System—Natural Areas, Historical Areas, and Recreation Areas. The memorandum also set forth separate but interdependent general principles for their respective management (Compilation 1968: 76–80).

This concept of the National Park System as consisting of three different but related categories of areas was recommended as legislation by Director Hartzog, written into law by Congress in Public Law

91-383, and approved by President Nixon August 18, 1970. The preamble of that act makes a fitting conclusion to our story:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress declares that the national park system, which began with establishment of Yellowstone National Park in 1872, has since grown to include superlative natural, historic, and recreation areas in every major region of the United States, its territories and island possessions; that these areas, though distinct in character, are united through their interrelated purposes and resources into one national park system as cumulative expressions of a single national heritage; that, individually and collectively, these areas derive increased national dignity and recognition of their superb environmental quality through their inclusion jointly with each other in one national park system preserved and managed for the benefit and inspiration of all the people of the United States; and that it is the purpose of this Act to include all such areas in the System and to clarify the authorities applicable to the system.

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APPENDIX A [PL 59-209]

An Act for the Preservation of American Antiquities.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who shall appropriate, excavate, injure, or destroy any historic or prehistoric ruin or monument, or any object of antiquity, situated on lands owned or controlled by the Government of the United States, without the permission of the Secretary of the Department of the Government having jurisdiction over the lands on which said antiquities are situated, shall upon conviction, be fined in a sum of not more than five hundred dollars or be imprisoned for a period of not more than ninety days, or shall suffer both fine and imprisonment, in the discretion of the court.

Sec. 2. That the President of the United States is hereby authorized, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected: *Provided,* That when such objects are situated upon a tract covered by a bona fide unperfected claim or held in private ownership, the tract, or so much thereof as may be necessary for the proper care and management of the object, may be relinquished to the Government, and the Secretary of the Interior is hereby authorized to accept the relinquishment of such tracts in behalf of the Government of the United States.

Sec. 3. That permits for the examination of ruins, the excavation of archaeological sites, and the gathering of objects of antiquity upon the lands under their respective jurisdictions may be granted by the Secretaries of Interior, Agriculture, and War to institutions which they may deem properly qualified to conduct such examination, excavation, or gathering, subject to such rules and regulations as they may prescribe: *Provided,* That the examinations, excavations and gatherings are undertaken for the benefit of reputable museums, universities, colleges, or other recognized scientific or educational institutions, with a view to increasing the knowledge of such objects, and that the gatherings shall be made for permanent preservation in public museums.

Sec. 4. That the Secretaries of the Departments aforesaid shall make and publish from time to time uniform rules and regulations for the purpose of carrying out the provisions of this Act.

Approved, June 8, 1906 (34 Stat. 225).

APPENDIX B [43 CFR 3]

Uniform Rules and Regulations

Prescribed by the Secretaries of the Interior, Agriculture, and War
to Carry Out the Provisions of the "Act for the Preservation
of American Antiquities," Approved June
8, 1906 (34 Stat. 225).

1. Jurisdiction over ruins, archeological sites, historic and prehistoric monuments and structures, objects of antiquity, historic landmarks, and other objects of historic or scientific interest, shall be exercised under the act by the respective Departments as follows:

By the Secretary of Agriculture over lands within the exterior limits of forest reserves, by the Secretary of War over lands within the exterior limits of military reservations, by the Secretary of the Interior over all other lands owned or controlled by the Government of the United States, provided the Secretaries of War and Agriculture may by agreement cooperate with the Secretary of the Interior in the supervision of such monuments and objects covered by the act of June 8, 1906, as may be located on lands near or adjacent to forest reserves and military reservations, respectively.

2. No permit for the removal of any ancient monument or structure which can be permanently preserved under the control of the United States in situ, and remain an object of interest, shall be granted.

3. Permits for the examination of ruins, the excavation of archeological sites, and the gathering of objects of antiquity will be granted, by the respective Secretaries having jurisdiction, to reputable museums, universities, colleges, or other recognized scientific or educational institutions, or to their duly authorized agents.

4. No exclusive permits shall be granted for a larger area than the applicant can reasonably be expected to explore fully and systematically within the time limit named in the permit.

5. Each application for a permit should be filed with the Secretary having jurisdiction, and must be accompanied by a definite outline of the proposed work, indicating the name of the institution making the request, the date proposed for beginning the field work, the length of time proposed to be devoted to it, and the person who will have immediate charge of the work. The application must also contain an exact statement of the character of the work, whether examination, excavation, or gathering, and the public museum in which the collections made under the permit are to be permanently preserved. The application must be accompanied by a sketch plan or description of the partic-

ular site or area to be examined, excavated, or searched, so definite that it can be located on the map with reasonable accuracy.

6. No permit will be granted for a period of more than three years, but if the work has been diligently prosecuted under the permit, the time may be extended for proper cause upon application.

7. Failure to begin work under a permit within six months after it is granted, or failure to diligently prosecute such work after it has been begun, shall make the permit void without any order or proceeding by the Secretary having jurisdiction.

8. Applications for permits shall be referred to the Smithsonian Institution for recommendation.

9. Every permit shall be in writing and copies shall be transmitted to the Smithsonian Institution and the field officer in charge of the land involved. The permittee will be furnished with a copy of these rules and regulations.

10. At the close of each season's field work the permittee shall report in duplicate to the Smithsonian Institution, in such form as its secretary may prescribe, and shall prepare in duplicate a catalogue of the collections and the photographs made during the season, indicating therein such material, if any, as may be available for exchange.

11. Institutions and persons receiving permits for excavation shall, after the completion of the work, restore the lands upon which they have worked to their customary condition, to the satisfaction of the field officer in charge.

12. All permits shall be terminable at the discretion of the Secretary having jurisdiction.

13. The field officer in charge of land owned or controlled by the Government of the United States shall, from time to time, inquire and report as to the existence, on or near such lands, of ruins and archeological sites, historic and prehistoric ruins or monuments, objects of antiquity, historic landmarks, historic or prehistoric structures, and other objects of historic or scientific interest.

14. The field officer in charge may at all times examine the permit of any person or institution claiming privileges granted in accordance with the act and these rules and regulations, and may fully examine all work done under such permit.

15. All persons duly authorized by the Secretaries of Agriculture, War, and Interior may apprehend or cause to be arrested, as provided in the act of February 6, 1905 (33 Stat. 700), any person or persons who appropriate, excavate, injure, or destroy any historic or prehistoric

ruin or monument, or any object of antiquity on lands under the supervision of the Secretaries of Agriculture, War, and Interior respectively.

16. Any object of antiquity taken, or collection made, on lands owned or controlled by the United States, without a permit, as prescribed by the act and these rules and regulations, or there taken or made, contrary to the terms of the permit, or contrary to the act and these rules and regulations, may be seized wherever found and at any time, by the proper field officer or by any person duly authorized by the Secretary having jurisdiction, and disposed of as the Secretary shall determine, by deposit in the proper national depository or otherwise.

17. Every collection made under the authority of the act and of these rules and regulations shall be preserved in the public museum designated in the permit and shall be accessible to the public. No such collection shall be removed from such public museum without the written authority of the Secretary of the Smithsonian Institution, and then only to another public museum, where it shall be accessible to the public; and when any public museum, which is a depository of any collection made under the provisions of the act and these rules and regulations, shall cease to exist, every such collection in such public museum shall thereupon revert to the national collections and be placed in the proper national depository.

Washington, D.C., December 28, 1906.

The foregoing rules and regulations are hereby approved in triplicate and, under authority conferred by law on the Secretaries of the Interior, Agriculture, and War, are hereby made and established, to take effect immediately.

E. A. Hitchcock
Secretary of the Interior
James Wilson
Secretary of Agriculture
Wm. H. Taft
Secretary of War

PART TWO



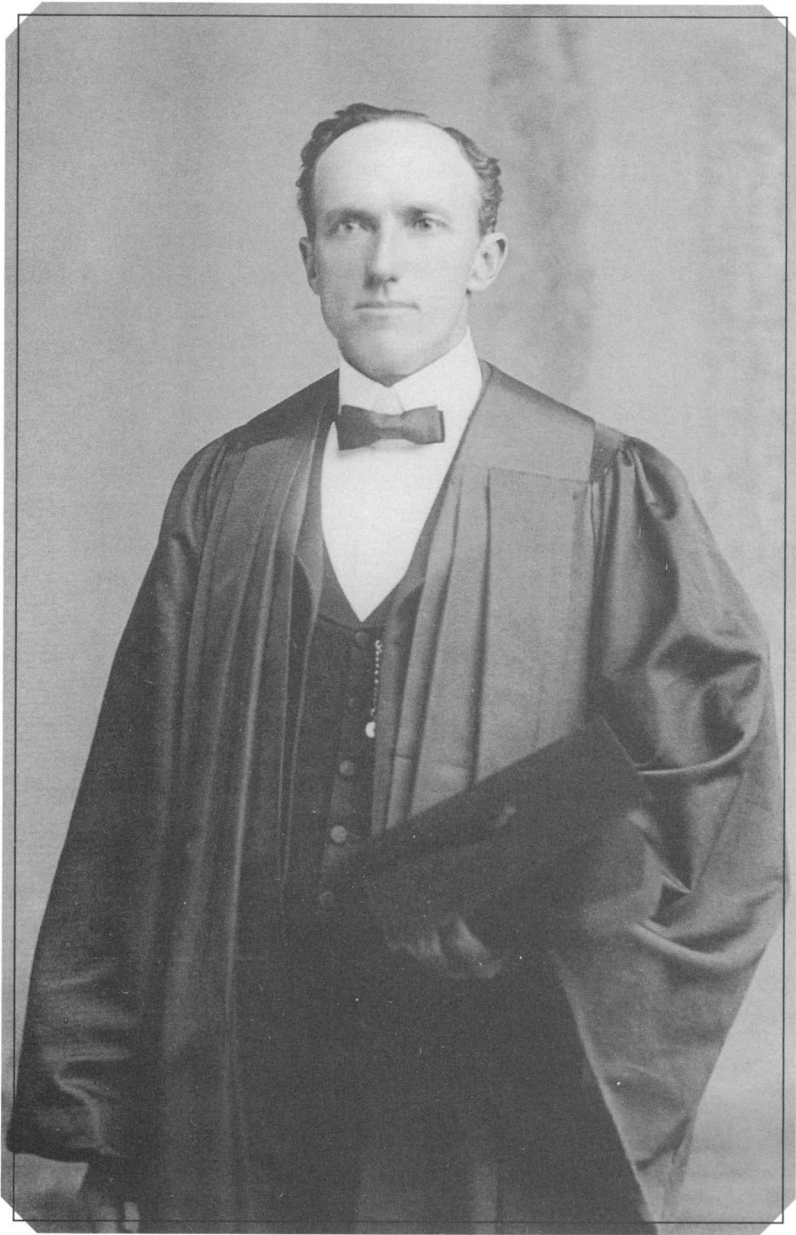


Figure 2. Antiquities Act author Edgar Lee Hewett in 1898 as the first President of New Mexico Normal University. (Photo courtesy of the Museum of New Mexico, Negative No. 7324.)

Edgar Lee Hewett and the Political Process

RAYMOND HARRIS THOMPSON

HEWETT'S ROLE

It took a quarter of a century for Congress to respond to efforts to protect archaeological resources on federal land. Or, as Edgar Lee Hewett (fig. 2) more diplomatically put it: "For a quarter of a century certain thoughtful people have been calling attention to the matter" (1905c: 590). His ability to make points forcefully but delicately was one of the many reasons he played a major role in bringing that long campaign to a successful close. Lee (1970: 68, *p. 236, this volume*), in his excellent narrative of that effort, credits Hewett's "unusual combination of western background, farming and teaching experience, first-hand knowledge of ancient ruins on federal lands in the Southwest, and experience as an archaeologist and administrator." Rothman (1989: 48–49), who provides another useful account of the struggle to pass antiquities legislation, notes that "Hewett succeeded when other more prominent professionals had failed." Many other authors agree on the importance of Hewett's contribution to the political process that ultimately succeeded (Bloom 1939; Chauvenet 1983; Collins and Michel 1985; Cunningham 1999; Euler 1963; Ferdon 1993; Forrest 1965; Fowler 1986; Fowler and Wilcox 1999; Ise 1961; Mackintosh 1985; McConnellogue 1998; McManamon 1996; Rogers 1987; Springer 1917; Walter 1939, 1947). The Historical Society of New Mexico has honored him by naming its Edgar Lee Hewett Award for Service to the Public after him, and Steven LeBlanc (1985: 117) has suggested that an annual Edgar Hewett Award be established to honor individuals for work on archaeological preservation.

Yet, Walter's (1939: 45) observation that "Hewett's contributions . . . to the safeguarding of the antiquities of the Nation, and especially in the Southwest, are not as widely known as they should be" is still an accurate one, because most writers simply record the fact of Hewett's

achievement without exploring the process involved (Rothman 1989: 243–44). Hewett brought to the task some special personal qualities: prodigious energy and the ability to use it productively, well-developed organizational skills, a superb sense of timing, an ability to identify quickly and define clearly the key elements in a problem, total but diplomatic perseverance in the pursuit of a goal, and a keen insight into the nature of the human condition. Although the basic facts of his accomplishment are reasonably well known, it is difficult to reconstruct how and why he was so successful, partly because of other facets of his personality. Hewett was an inveterate note taker, but once he had used his notes, he discarded them (Chauvenet 1983: 41, 220). Moreover, despite his great ambition (Rothman 1992: 100), he was a “modest, unpretentious person” (Ferdon 1993: 11; Walter 1939: 44), especially when it came to reporting his own accomplishments. He mentions the Antiquities Act briefly in his *Ancient Life in the American Southwest* (Hewett 1930: 184) and reprints three papers concerning the campaign to pass the Antiquities Act (Hewett 1904b, 1905e, 1906b) in his *Pajarito Plateau* book (Hewett 1938: 155–72), but reveals nothing of his role in that campaign. Hewett’s autobiographical writings are largely philosophical and anecdotal and provide almost no information on his professional activities (Hewett 1943, 1946). The record of his often informal and unofficial lobbying activities, which Frank Springer (1917: 6) suggested was “for the most part buried in the archives of the executive departments at Washington,” is yet to be found.

The passage of the Antiquities Act was the result of a political process. Hewett realized more than any of his contemporaries that the long struggle was not a scientific or cultural problem, but a political one. He realized very early that the main product of the legislative process was policy with all other matters, including the details of procedure, secondary (Rothman 1989: 49). From the very beginning, the efforts to preserve the nation’s archaeological resources embraced two approaches that were both complementary and competitive. On the one hand, there was a desire to protect all the ruins on federal land, the “general bill” approach, and on the other, the temptation to save a few spectacular places, the “national park” approach. The tension created by these seemingly opposite thrusts helped to prolong the campaign for antiquities legislation. At the same time, these approaches were potentially compatible. Part of Hewett’s success stems from his recognition and exploitation of that potential.

The petition of the New England Historic Genealogical Society in 1882 contained elements of both approaches in that it used a single place, Pecos, to focus attention on the need to protect a larger group of similar ruins. As Lee points out, the saving of Casa Grande represented a more limited effort. If Congress would not protect all ruins on public lands, perhaps it could be persuaded to preserve "one conspicuous ancient landmark, at small expense" (Lee 1970: 18, *p.* 208). At least such action would establish the principle that the government has a responsibility toward the ruins on the land it controls.

THE BEGINNINGS OF PAJARITO PARK

While Mary Hemenway and other New Englanders, enchanted by Frank Hamilton Cushing and his Zuni companions, were working to save Casa Grande, Alice Cunningham Fletcher was trying to combine the two approaches. She had visited Yellowstone National Park in the summer of 1886 while on her way to Alaska. Although she was not excited by natural beauty or wilderness, she got the idea while surrounded by the natural wonders of Yellowstone that there should be archaeological parks as well as those celebrating natural glories (Mark 1988: 142). In 1887 she turned for help to the American Association for the Advancement of Science (AAAS), whose Permanent Secretary, Frederic Ward Putnam of the Peabody Museum at Harvard, was her mentor. She presented an open letter to the members of Section H (Anthropology), which had become one of the most robust divisions of the AAAS in the short time since its establishment in 1882.

Fletcher (1888) called attention to the need to "set aside certain portions of the public domain in the southwest territories in which are characteristic remains of former and present aboriginal life . . . as national reserves." Anticipating an argument that would be used many times in the future, she emphasized that "many of the most remarkable ruins . . . are upon land of little use to the settlers, so that the claims of archaeology do not interfere with local prosperity." She urged Section H to "take such action as is deemed best to memorialize Congress, and secure the needed legislation, to effect such preservation as shall stand as a monument of our interest as Americans in the history of our country." She enlisted the support of Matilda Coxe Stevenson who was a veteran of both Southwest fieldwork and Washington politics (Mark 1988: 142–43; Parezo 1993: 60, *n.* 5).

After vigorous discussion, Section H nominated Fletcher and Stevenson to “memorialize Congress.” The Council of the AAAS agreed and appointed them to a Committee on the Preservation of Archaeologic Remains on the Public Lands (Fletcher 1888, comment by editor, that is, Putnam). They prepared a bill that attempted to combine the two approaches to preservation (Fletcher and Stevenson 1889). Although they emphasized the Southwest, they were bold enough to suggest that sites on the Great Plains and in Alaska were also worthy of federal protection. This broad sweep was a logical extension of the “general bill” approach, but it attracted the unwanted attention of those who felt that too much land had already been “reserved.” Moreover, it diluted the strong romantic appeal that the Southwest, its Indians, and its ruins had for Easterners (Wild 1987: 38–39; Dilworth 1996).

Fletcher and Stevenson (1889), despite their broad perspective on preservation, found that, with one exception, it was impossible without fieldwork to “designate the exact acreage” of the ruins they wished to protect. They sensed that it would be politically unwise to ask Congress to save ruins without known boundaries. In order “to inaugurate the precedent of preserving archaeologic remains upon the Public Domain,” they devised a hybrid plan to place that exception under the protection of the Secretary of the Interior and to instruct the Director of the Geological Survey to identify other ruins for Congress to protect “from injury and spoliation.” The exception involved the ruins on the Pajarito Plateau that Bandelier had explored for the Archaeological Institute of America. In 1888 Congressman William Steele Holman of Indiana (Lynch 1932), the Chairman of the House Committee on Public Lands, introduced their bill (Lee 1970: 82, *p.* 244; Altherr 1985: 290, n. 6), but it did not gain the support of Congress. By choosing the Pajarito region, Fletcher and Stevenson began a campaign that would occupy and frustrate Hewett and others for many years (Altherr 1985; Rothman 1992).

The AAAS maintained an interest in antiquities legislation and formed a Committee on the Protection and Preservation of Objects of Archaeological Interest in 1899 (Lee 1970: 47, *p.* 224), the year that Putnam was elected President following twenty-five years as Permanent Secretary. This committee joined forces with a similar one from the Archaeological Institute of America (AIA) and produced a bill that reflected a national park approach. It was introduced early in 1900 by Congressman Jonathan Prentiss Dolliver of Iowa (fig. 3; Nichols 1930),



Figure 3. In 1900 Iowa Congressman Jonathan Prentiss Dolliver (left) introduced the first bill to protect antiquities on federal land, just a few months before he was appointed to a vacancy in the Senate. He and Iowa's powerful senior Senator, William Boyd Allison (right), are shown preparing to go to the State Capitol in Des Moines where they were reelected to the Senate by the Iowa legislature. (Photo courtesy of the State Historical Society of Iowa, Negative No. 6953.)

a friend and political ally of Congressman John Fletcher Lacey of Iowa, the Chairman of the House Committee on Public Lands (Gallagher 1981). The Dolliver and Lacey families had pre-Iowa connections. Dolliver's father, an itinerant Methodist minister, had stayed with Lacey's parents in Wheeling, West Virginia, in 1853 when the Lacey family was working its way west to Oskaloosa, Iowa (Gallagher 1970: 10), and he thought very highly of Lacey (Ross 1958: 110). Whether Dolliver introduced the bill on behalf of the joint AAAS-AIA Committee (Lee 1970: 50, *p.* 226), the Smithsonian Institution, or Lacey (Ise 1961: 149) is not clear. Although Dolliver resigned in August 1900 to accept an appointment to a vacant seat in the Senate, his bill was the opening shot in a battle of six years duration, a battle that Lee (1970: 47-77, *pp.* 223-42) so ably recounts. The strategic emphasis in that effort alternated between attempts to preserve places like Montezuma Castle, Chaco Canyon, Pajarito Plateau, and Mesa Verde, and the drive to pass a "general bill" that would provide protection for all archaeological sites under federal control. Edgar Lee Hewett, whose political skills brought these two approaches together, began his combined archaeological and political career promoting the Pajarito Park, put that experience to good use working for the passage of the Antiquities Act, and demonstrated his political skills by brokering the creation of Mesa Verde National Park.

HEWETT AND PAJARITO PARK

As Ferdon (1993: 12) suggests, Hewett's career was a serendipitous result of his marriage on September 16, 1891, to Cora Whitford (fig. 4), who shared his love of horses, the outdoors, and camping. They spent the summer vacations from his teaching positions in Colorado at Florence and Greeley, camping all along the front range of the Rocky Mountains. Unfortunately, not long after they were married, Cora became "frail," a turn-of-the-century euphemism for tuberculosis (Ferdon 1993: 12-13), and their marriage was childless. Her doctor recommended that they spend their summers in New Mexico so that she might benefit from the warm, dry climate there. The Hewetts followed that advice, headquartering in Santa Fe, but spending most of their time exploring and camping on the Pajarito Plateau west of the city. Hewett ultimately bought a small ranch in the upper Pecos Valley that

Figure 4.
Cora Whitford
Hewett, whose
tubercular condition
required summer
rest in New Mexico,
serendipitously
helped to focus her
husband's attention
on archaeology,
especially the ruins of
the Pajarito Plateau.
(Photo by Luft's
Chicago Photo Car,
courtesy of the Mu-
seum of New Mexico,
Negative No. 7392.)



served as a summer retreat, especially after he became president of the Normal University (now New Mexico Highlands University) in Las Vegas (Ferdon 1993: 14).

Hewett, having already read Bandelier's *The Delight Makers* (1890a) and his reports to the Archaeological Institute of America (1890b, 1892), developed not only an interest in the region but also great admiration for Bandelier, whom he saw as a role model (Lange 1993: 3). Hewett and Bandelier developed a respectful friendship, in part because of their shared love of the Rito de los Frijoles and the surrounding region at the south end of the Pajarito Plateau, although Hewett (1938: 17) noted years later that while he had "some proprietorship in the Pajarito Plateau, . . . from the Rito south . . . belongs to Bandelier and Lummis." By 1896, Hewett had moved beyond visiting and camping and began to carry out archaeological survey and mapping (Hewett 1904a). As Ferdon (1993: 13) points out, "Hewett was never a man to

sit idling away a summer while his wife relaxed and gained strength in the New Mexico sun.” Hewett soon became deeply attached to the Pajarito region both professionally and emotionally and very early got the idea that the entire region should be designated a national park in order to preserve the ruins there for “scientific research” (Rothman 1992: 56–60).

The people living in the western territories in this period were well aware of the different kinds of land status that made their homelands a mosaic of federal, Indian, and private jurisdiction and ownership. They felt that unchallenged access to the resources of all of these land categories was a basic right. Southwesterners, though, had mixed feelings about the Indian ruins. Some saw them as a resource to be mined for commercial gain. For others, they were a uniquely Southwestern source of local pride. Preserving the ruins and exhibiting their contents promoted an enhanced sense of identity. However, Hewett recognized that not everyone shared in that pride: “I think our legislatures as a rule hold that the less said about our ruins the better, lest the impression get about that we have nothing else to boast of! Our [New Mexico] St. Louis Exposition Commission frowns upon any archaeological exhibits for this reason” (Hewett to Holmes, 29 September 1903, National Anthropological Archives, hereafter NAA). Hewett was well aware of this mix of values that ranged from exploitation to preservation. Nevertheless, it was not until after he began work in the Pajarito region that he recognized the potential of federal ownership for archaeological preservation. Even though some of the most important Southwestern ruins were on private land, Hewett (1905c: 590) found it politically useful to insist that “of the archeological remains in the Southwest, probably nine-tenths are on lands owned or controlled by the Government of the United States.” He repeated this theme over and over, because it opened the door for the protection of sites by one comprehensive law, a “general bill,” which he hoped would, in turn, stimulate responsible private landowners to take protective action on their own.

The federal land in the northern and southern portions of the Pajarito region were controlled by the General Land Office of the Department of the Interior and were under consideration for inclusion in the proposed Jemez Forest Preserve (now Santa Fe National Forest). The region in between, including Pajarito Canyon for which the region was named, was the privately owned Ramon Vigil Grant. Hewett developed good working relations, even friendships, with both the agents

of the General Land Office and the private landowners, whom he frequently recognized for their enlightened custodianship of the ruins (Hewett 1905c: 598 n. b; 601 n. a). He hoped that, when the region became a national park, the federal government would purchase a thousand or so acres of the Vigil Grant, probably at a good price because the timber had already been cut by its Seattle owners (Hewett to Holmes, 29 September 1903, 4 March 1904, NAA).

In 1898 Hewett was appointed to a five-year term as the first president of the new Normal University at Las Vegas, New Mexico, at the recommendation of Frank Springer (Merrill 1935a), who became his lifelong friend and supporter. A prominent New Mexican lawyer, Springer was also a leading authority on crinoids and had close connections with the U.S. National Museum. Hewett developed a curriculum at the Normal University that included a good deal of anthropology and began to involve his students in his summer explorations. In 1899, the General Land Office, largely at Hewett's suggestion, sent James D. Mankin to investigate the park potential of the region. Early in December of that year, Mankin recommended the withdrawal of 153,000 acres to establish Pajarito Park, named for Pajarito Canyon located in the center of the region. At the end of July 1900 Land Commissioner Binger Hermann withdrew the recommended acreage, a withdrawal that stayed on the books until 1938 (Altherr 1985: 276). Hewett, who was following these developments closely, wrote in October 1900 to President William McKinley telling him of the educational benefits of his work "in the area known as Pajarito Park" and calling the President's attention to "the proposed legislation pertaining to the creation of a prehistoric National Park, for the purpose of preserving and protecting the ruins thereon for future scientific research" (Hewett to McKinley, 26 October 1900, NAA).

Two months later in December 1900, Secretary of the Interior Ethan Allen Hitchcock (Bailey 1932) submitted a draft of that "proposed legislation" for Pajarito Park to Congressman John Fletcher Lacey, Chairman of the Committee on Public Lands of the House, who introduced the bill in January 1901. Lacey (1915a: 220–21) acknowledged the support of Hitchcock, Mankin, and Hewett in presenting this bill. He documented the urgency involved by quoting Hewett (from a letter of October 26, the same day Hewett had written to President McKinley): "I believe more earnestly than ever in the desirability of creating . . . a national park. . . . At no time in the history of

that region has such wanton vandalism gone on as during the last summer." Hewett later emphasized that, while he heartily approved of the bill, it "originated in and has been handled by the General Land Office" (Hewett to Holmes 29, September 1903, NAA). Although Lacey's committee gave the bill a prompt and favorable hearing, no further progress was made.

By this time Hewett's relationship with Congressman Lacey, which began sometime in 1900, was well established. In order to promote the Pajarito Park bill, Hewett invited Lacey to visit the Southwest, and a trip was arranged during the summer of 1902 (Lacey 1915c: 210; Pammel 1915: 44; not the spring of 1903 as indicated by Bloom 1939: 19 and repeated by Chauvenet 1983: 42). Years later, Lacey (1915c: 210) recalled: "It was in August, 1902, that Prof. Edgar L. Hewett urged me to visit the ruins of the cliff dwellers and cave dwellers and see for myself the necessity and propriety of the enactment of a law to protect and preserve the ancient aboriginal ruins of the Southwest; and so Dr. Hewett, Congressman B. S. Rodey [of New Mexico], land commissioner Keen, and myself visited the Pajarito region; slept in the deserted caves, explored the communal ruins, and then pursued our journey to the still living pueblos." As a result of that trip Hewett and Lacey developed a lasting relationship of mutual respect and friendship.

Earlier in the summer of 1902, Hewett had also guided Henry Mason Baum and his group from the Records of the Past Exploration Society (Rothman 1989: 36), although Hewett's role is not mentioned in Baum's (1902a) account of that trip. Baum (1902a: 361) recommended national park status for Mesa Verde, Chaco Canyon, and Canyon de Chelly, but he did not believe that it was "advisable for the Government to create a national reservation" on the Pajarito Plateau. He stated that "the vandals are not likely to disturb" the cave dwellings there and added that the timber on the plateau was "needed for the people living in the Rio Grande Valley." Baum's casual assessment contrasts sharply with Hewett's description of serious vandalism in his letter to Congressman Lacey (1915a: 221) two years earlier.

Hewett, despite the inaction of Congress and the attitude of Baum, was not about to give up on his dream. By 1902, he had completed the archaeological survey of the Pajarito region and was turning his attention to mapping Chaco Canyon. He included this information in his report for that year as president of the Normal University (Hewett 1902) and supported the Pajarito Park concept of the General Land

Office. Proving that he was learning that the political process required perseverance, he repeated the park recommendation in his report for the following year (Hewett 1903). These documents were included in the reports of the Territorial Governor to the Secretary of the Interior. Hewett and Frank Springer, his ally on the Board of Regents of the Normal University, were already in political trouble because of the complaints of a losing bidder for a university printing contract. Governor Miguel Antonio Otero disapproved of Hewett's approach to education, considered his summer archaeology trips a waste of time, and agreed with those who were appalled at the idea of withdrawing huge tracts of land from potential private use. Otero's supporters on the Board of Regents did not renew Hewett's appointment as President (Chauvenet 1983: 46–47).

While Hewett was unemployed, he lost none of his enthusiasm for Pajarito Park. Springer (1917: 6) describes the Pajarito activities in late 1903 as “a sharp campaign.” Before leaving for Europe Hewett reported to Holmes that Lacey had assured him that a new Cliff Dweller's National Park bill was ready to be introduced into the next session of Congress. Hewett, who had originally proposed the name Pajarito Plateau (Hewett 1938: 27), also told Holmes of his unhappiness that Lacey had changed the name of the park, rejecting the word Pajarito (Hewett to Holmes, 29 September 1903, 28 November 1903, NAA; Altherr 1985: 277; Hewett 1916: 51–54; Lacey 1915a: 223). Hewett continued to write to Holmes about the Pajarito Park proposal from Europe (Hewett to Holmes, 4 March 1904, 17 April 1904, NAA).

In 1904, the Pajarito timber lands were removed from the park bill and added to the proposed Rio Jemez Forest Reserve, reducing the Pajarito Park to about a quarter of its originally proposed size. The reductions included Pajarito Canyon, which Hewett considered the heart of the Park. He commented: “As the lines are now drawn, it creates Pajarito Park with the ‘Pajarito’ left out” (Hewett 1905c: 598, n. a). In July 1905 President Theodore Roosevelt gave even more land slated for Pajarito Park to Santa Clara Pueblo (Hewett 1905e: 570). Lacey reported the greatly amended bill favorably, but no further action was taken on it. Hewett (1905e: 570) had already indicated that he thought the national park proposal would “be abandoned.” Nevertheless, within less than a year he spent several days in the field with a group of Santa Fe businessmen (also fellow members of the Archaeological Society of New Mexico) who had requested his assistance “in opening up the

Pajarito Park" (Hewett to Kelsey, 24 April 1906; Hewett to Carroll, 1 May 1906; Archaeological Institute of America Archives, hereafter AIA). It remained for President Woodrow Wilson to salvage something by creating a much smaller Bandelier National Monument in 1916 around the Rito de las Frijoles sites at the southern end of the Pajarito Plateau, although his action did nothing to still the controversies surrounding the Pajarito Plateau, controversies that continued for many more years (Altherr 1985; Rothman 1988, 1992).

Although Hewett lost the battle for Pajarito Park, he established solid working relations with Congress and the Department of the Interior, he gained professional credibility, and he learned a lot about the political process. In many ways this early work on the Pajarito Plateau was a defining experience for Hewett. He returned to those early haunts physically, intellectually, and emotionally throughout his life (Hewett 1938: 15; Rothman 1992: 152).

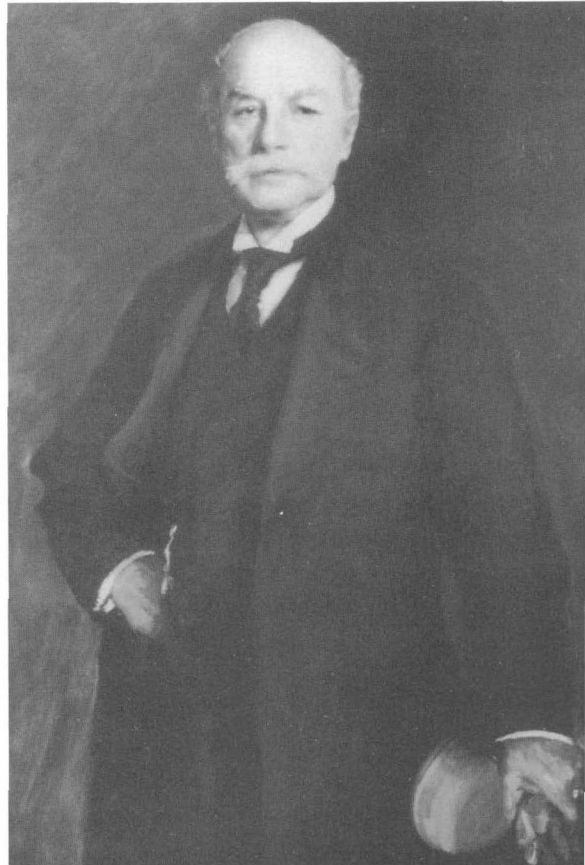
THE ANTIQUITIES BILL ALLIANCE

The dawn of the twentieth century brought many changes to an America that was enjoying great economic prosperity and international prestige as it became more urban and industrial and less rural and agricultural. Henry Mason Baum (1902b: 1), in the inaugural issue of *Records of the Past*, grandly stated that the beginning of the century was "an era of unparalleled activity in the search for truth." One truth that many perceived was that the nation's natural resources were not limitless. The conservation and preservation goals of the Progressive Era were popular themes. Vice President Theodore Roosevelt, a confirmed conservationist who became President in 1901 when President McKinley was assassinated, provided vigorous and charismatic leadership for the promotion of those themes. The House Committee on Public Lands was chaired by "one of the towering figures in the conservation movement" (Ise 1961: 147), John Fletcher Lacey. His Bird and Game Act, first introduced in 1892, finally passed in 1900, giving the nation its first wildlife conservation law (Lacey 1915b; Rosenbaum 1995: 762). Lacey was also deeply concerned about the future of the nation's forests. In 1900 he introduced a bill to create a Petrified Forest National Park in Arizona to preserve the evidence of ancient forests just as he tried to protect modern stands of timber (Lacey 1915d).

The archaeological community, which had been working to protect prehistoric ruins for many years, took full advantage of this new and favorable climate. Professional groups and government agencies began to cooperate and national goals began to replace regional concerns. Archaeologists stopped petitioning and memorializing Congress and started submitting bills, such as Dolliver's (Lee 1970: 47–51; *pp.* 223–26), that presented solutions as well as problems and couched them in modern and implementable language. Land managers like Secretary of Interior Hitchcock (fig. 5), who proposed to Lacey a bill to establish the Pajarito Park, became key players in the new approach to archaeological conservation. The women of the Colorado Cliff-Dwellings Association convinced Congressman John Franklin Shafroth, a Michigan-educated Progressive and a supporter of women's suffrage, to introduce a bill to create an archaeological national park in the Mesa Verde area (Smith 1988: 47). Hewett's indirect complaints about what he considered to be improper excavation by Richard Wetherill in Chaco Canyon for the Hyde Exploring Expedition brought prompt action by the General Land Office, which was developing an active program of temporary withdrawals to protect ruins in the Southwest (Snead 1999: 263).

Edgar Lee Hewett entered upon this heady scene in 1900 when he made his first trip to the nation's capital, where his friendship with Frank Springer helped to open doors (Bloom 1939: 17; Chauvenet 1983: 42; Lange 1993: 3). He met John

Figure 5. Ethan Allen Hitchcock, Secretary of the Interior from 1898 to 1907, strongly supported the efforts to pass antiquities legislation. (Photo of the official portrait of Secretary Hitchcock by William Merritt Chase, courtesy of the U.S. Department of the Interior Museum.)



Wesley Powell, whom he greatly admired, as well as Holmes, Fewkes, Putnam, and Lacey. These encounters greatly increased his awareness of the importance of the federal agencies to the western territories. He noted the key role that the Smithsonian Institution played in the development of anthropology, especially through the Bureau of American Ethnology and the National Museum (Fowler and Wilcox 1999: 210). Although he believed firmly that Westerners should present and defend their own concerns, he also realized that powerful Easterners were essential allies if western problems were to be seen in a national perspective (Rothman 1992: 68–70). He had the advantage of visiting Washington as the president of a college in New Mexico, but he realized at once that if he wished to play an effective role in the political process, he would have to get more involved professionally at the national level.

Already a member of the Archaeological Institute of America (AIA) through the Colorado chapter, Hewett joined the American Association for the Advancement of Science (AAAS) and the American Anthropological Association (AAA). All three of these organizations were active in the effort to pass antiquities legislation. Hewett attended their national meetings and in 1902 presented a paper on the Pecos survivors at Jemez Pueblo at the annual meeting of the AAAS in Washington, which was published in the *American Anthropologist* (Hewett 1904d).

Although Hewett's recommendations for the establishment of the Pajarito Park in his reports as president of the Normal University in Las Vegas (Hewett 1902, 1903) brought him to the attention of agency officials in Washington, they also contributed to the loss of his position at the Normal University. Unemployed in the spring of 1903, he attempted to find a similar position elsewhere, writing to institutions in Arizona, Illinois, Texas, and Wyoming (Chauvenet 1983: 48). His lack of success caused him to reevaluate his own goals, and he found that he was now much more interested in archaeology than in pedagogy. He realized that he would need some formal training in archaeology to facilitate this career shift. There were few opportunities for advanced study in archaeology in this country at the turn of the century. Pennsylvania, Harvard, and Columbia were in the initial stages of creating effective doctoral programs, but only Frederic Ward Putnam at Harvard (fig. 6) had actually trained archaeologists. However, Hewett could not seriously consider Harvard, even though it was the obvious choice, because of Cora's health. Putnam was also involved in a fledg-



Figure 6. Frederic Ward Putnam (right), Curator of the Peabody Museum at Harvard University from 1874 to 1909 (and Honorary Director thereafter until his death in 1915), provided valuable leadership to both the scientific and anthropological communities of the nation. He served on every committee to promote antiquities legislation from 1900 through 1906. For many years he offered the only doctoral training in archaeology in the country. He is shown here consulting with one of his earliest students, George Byron Gordon (left) a Maya specialist who later became director of the University Museum in Philadelphia. (Photo courtesy of the Peabody Museum of Archaeology and Ethnology, Harvard University, Negative No. N28714. Copyright: President and Fellows of Harvard College, Peabody Museum, Harvard University, 2000.)

ing program at Berkeley and in August 1903 Hewett inquired about the possibility of studying with Putnam in California (Mark 1980: 80).

During the late nineteenth century many Americans, especially in scientific fields, went to German universities for their doctorates. When Hewett learned that his boyhood friend, Shakespearean scholar and oil geologist Charles William Wallace (Pound 1936), was planning to take up studies for a doctorate in Germany (degree from Freiburg im Breisgau in 1906), he decided he would also seek a European doctorate. Chauvenet (1983: 47) suggests that this decision was at least in part a product of the friendly competitiveness that developed when Hewett and Wallace were in high school. Hewett sold his ranch in the Pecos Valley (Ferdon 1993: 14), and he and Cora went to Switzerland to attend the University of Geneva, from which he received a doctorate in 1908. Although Geneva, on the western edge of the Alps, might not seem to be much better for Cora's health than Cambridge, Massachusetts, the Hewetts spent much of their time in Europe, with the support of his doctoral committee, visiting archaeological sites in the Mediterranean region (Ferdon 1993: 15). Cora required a wheelchair much of the time.

It is not clear why Hewett decided to go to Switzerland rather than Germany, but Lang suggests that Hewett, whose reading of Bandelier's work had "created a strong urge in him to emulate Bandelier's example," may have had "an interest, almost an unconscious drive, in capturing some of Bandelier's multilingual abilities for himself" (Lange 1993: 3, 4). Lange also points out that the "relaxed relations in graduate studies at Geneva [were] strongly reminiscent of the academic life [Hewett] had instituted at Las Vegas and for which he had been sharply criticized" (Lange 1993: 4). Had Hewett worked out a way to study with Putnam, he might have avoided many of the difficulties with eastern academics that plagued him in subsequent years. He might have gained access to the eastern establishment rather than rejection by it. During the 1930s, Emil Haury, who had "observed firsthand the problems that Byron Cummings in Arizona and Edgar Lee Hewett in New Mexico were having with better trained and often condescending colleagues from the East," co-opted such critics by obtaining a Harvard degree and becoming "almost an agent of the eastern establishment" (Thompson 1995: 651).

While Hewett was busy arranging his further education in Switzerland, he was still deeply involved in the Pajarito Park project and

expended considerable effort on it in the summer and fall of 1903. Although he was clearly focused on the “national park” approach to preservation (Pajarito and Mesa Verde), he was beginning to consider how to protect all the other sites. He suggested to Holmes that the Bureau of American Ethnology (BAE) might assume responsibility for protecting ruins and for permitting excavation in them (Hewett to Holmes, 29 September 1903, NAA). Unemployed and about to risk all of his resources on a course of doctoral study in Europe, he was also anxious to find a source of income that would enable him to finish his fieldwork on the Pajarito Plateau and prepare an exhaustive report on it. He was hoping to obtain a research assistantship from the just established (1902) Carnegie Institution of Washington (Hewett to Holmes, 28 November 1903, NAA). When it seemed that such support might not be forthcoming he wrote to Holmes from Geneva inquiring about the possibility of BAE support: “Will you kindly give the matter your consideration” (Hewett to Holmes, 4 March 1904, NAA). Writing from Florence, Italy, six weeks later, Hewett tried to help Holmes in that “consideration” by spelling out in greater detail his plans for further Pajarito work (Hewett to Holmes, 17 April 1904, NAA).

Carnegie did not come through, but Holmes did. When Hewett returned from Europe in August 1904, his friends in Washington had arranged not only support for him but also responsibilities that went well beyond the completion of his Pajarito research. His employment under these conditions was evidence of the emergence of a new political coalition for archaeological conservation that Lummis called the “antiquities bill alliance” (Lummis to Seymour, 16 September 1905, AIA). The Department of the Interior, the Smithsonian Institution, concerned Congressmen, and the archaeological community had joined forces and were beginning to pay attention to the basic principles of the political process (Hewett 1930: 184). Hewett’s return from Europe may have been a stimulus for this new activity, but there are many reasons for suggesting that more than serendipity was involved.

HEWETT AND THE GENERAL LAND OFFICE

The General Land Office, one of the nation’s oldest federal agencies, played an important role in the effort to protect antiquities. Established in 1812, it supervised the use and disposition of the huge fed-

eral landholdings until 1946, when it was combined with the Grazing Service to create the Bureau of Land Management (Muhn and Stuart 1988: 9, 31). At the turn of the century, Land Office Commissioners Hermann (fig. 7) and Richards (fig. 8) were active protectors of the federal archaeological resources (Lee 1970: 39–46, *pp.* 219–23). William Afton Richards was a seasoned politician and an experienced land manager (Kallenbach and Kallenbach 1982: 591–92). He had worked as a government surveyor in Nebraska, Wyoming, and California before becoming U.S. Surveyor for Wyoming and he served one term as Governor of Wyoming Territory. He had been Assistant Commissioner of the General Land Office for four years when he was appointed Commissioner in 1903 upon the resignation of his predecessor, Binger Hermann (Treese 1997: 1204). Hermann, a longtime member of the Oregon delegation to Congress where he was one of the original sponsors of the bill to create Crater Lake National Park, was a strong proponent of the “national park” approach to preservation. In 1900, when Secretary Hitchcock asked him to comment on the Dolliver and Shafroth bills, he prepared a substitute bill that gave the President power to establish national parks (Lee 1970: 52, *p.* 227). He used his annual reports to encourage passage of such legislation and Richards followed his lead (Claus 1945: 13–18). Hermann also made temporary withdrawals to protect both archaeological ruins and natural wonders, such as Pajarito Park and Petrified Forest. Richards made even greater use of temporary withdrawals. Both Hermann, contrary to the bad press caused by scandals during his administration (Frome 1992: 17; Pinchot 1947: 193–94; Robbins 1942: 338), and Richards were deeply concerned about archaeological conservation and used their positions most effectively in promoting the preservation of ruins in the Southwest (Rothman 1989: 163). The Commissioners made extensive use of temporary withdrawals because there was no hope that Congress would create many individual national parks. Their emphasis on the “national park” approach to legislation was necessary because the temporary withdrawal system depended for its success on some ultimate means of making the withdrawals permanent (Rothman 1989: 55).

When Richards became Commissioner in 1903, he noted that repeated requests for legislation from the General Land Office and the Secretary of the Interior were not getting the desired results in Congress. He saw also that the several bills then before Congress in Lee’s “Round Two” (1902–1904) were getting the same kind of treatment as those in “Round One” (1899–1900) and for the same reason (Lee

Figure 7. Binger Hermann, Commissioner of the General Land Office from 1897 to 1903, protected many archaeological sites by temporary withdrawal of federal land. (Photo by Peter Britt, courtesy of the Oregon Historical Society, Negative No. CN020673.)



Figure 8. William Afton Richards, Commissioner of the General Land Office from 1903 to 1907, initiated the final campaign to obtain antiquities legislation in 1904 when he asked Edgar Lee Hewett to prepare a report on the ruins in the Southwest. (Photo courtesy of the Wyoming State Archives, Negative No. 5568.)



1970: 52, 57, pp. 227, 230). The traditional reluctance of Congress to choose between competing bills of similar intent, but involving conflicting approaches, was alive and well, so much so that Richards could see little hope for action on the competing bills then before the Congress. He realized that his office had to become more proactive and that he needed the opinions of credible experts outside the General Land Office to back up his recommendations. On August 14, 1904, he received a request from the Acting Secretary of the Interior seeking comments on the Lodge-Rodenberg and other bills (Claus 1945: 16).

Hewett was barely off the boat when Richards requested that he prepare a report on the archaeological resources in the Southwest. Six weeks later, on September 3, 1904, Hewett submitted to Richards his celebrated *Memorandum Concerning the Historic and Prehistoric Ruins of Arizona, New Mexico, Colorado and Utah, and Their Preservation* (Hewett 1904c). Hewett also provided Richards with an assessment of the various bills before the Congress, including Lodge-Rodenberg, in a letter dated September 14, 1904 (Claus 1945: 15–16). He was highly critical of Lodge-Rodenberg (Rothman 1989: 44–45). Richards transmitted Hewett's *Memorandum* to Secretary of the Interior Hitchcock on October 1, 1904, with a general endorsement of Hewett's views. He also used Hewett's "comprehensive statement" extensively in his annual report for 1904 (Claus 1945: 18). Hewett was able to complete his *Memorandum* in such short order because his doctoral research also involved an overview of Southwestern archaeology (Schroeder 1993: xi–xii, xvi) and because he received a great deal of assistance, both official and unofficial, from colleagues in Washington (Hewett 1904b: 722–23; 1904c: 4, 10; 1905c: 596). That assistance gave credibility to his report and helped to document the existence of a new approach to securing antiquities legislation. Hewett's *Memorandum* was given wide distribution with the financial assistance of the Committee on American Archaeology of the Archaeological Institute of America (Bowditch 1905: 42).

The pamphlet printed with this AIA subvention (Hewett 1904c) included illustrations of ruins and letters from officials of several government agencies documenting steps taken to implement Hewett's recommendations (also in Hewett 1904b). The inclusion of this material gave Hewett an opportunity to show the Congress that at least part of the solution to the archaeological problem was already being carried out successfully by the appropriate government agencies. The nature of these letters and the speed with which they were published indicate

that Richards and Hewett had already worked out a plan of action (Ise 1961: 148). The first letter in the sequence is dated October 5, 1904, and the last, November 19. The entire sequence was published in *Science* on November 25 and was included as an addendum to the reprint of Hewett's *Memorandum*. During the following year Hewett (1905a, 1905c) presented similar information many times, in talks to organizations such as the American Scenic and Historic Preservation Society, as well as in print. Richards' request, Hewett's prompt response, and the immediate wide distribution of his report had the short-term goal of influencing the Congress in the upcoming final consideration of the Lodge-Rodenberg bill. Richards also saw these actions as the first steps in establishing a more proactive position for the General Land Office in what he realized could be a very lengthy political effort. As it turned out, Hewett's report also played a critical role in identifying possible national monuments after the passage of the Antiquities Act a year and a half later. Fowler and Wilcox (1999: 218) point out that in addition to outlining "the scope and nature of ruins in the region," Hewett did "no less than formulate a national policy for the protection of archaeological sites."

Important as Hewett's *Memorandum* was, it had its limitations. It was, after all, a purposely brief administrative document designed to highlight the magnitude of the problem, to support the preservation efforts of the General Land Office, and to urge the Congress to take action that would permanently preserve the ruins. It could not include detailed definitions of the Southwest and its archaeological resources, thorough discussions of the problems, and careful reviews of the reasons for the recommendations. Therefore, Hewett published almost immediately a more extended treatment of the material in the *Memorandum* in a paper, "General View of the Archaeology of the Pueblo Region," that provided additional insights into his thinking (Hewett 1905c).

HEWETT AND THE BUREAU OF AMERICAN ETHNOLOGY

It is likely that Richards compensated Hewett with what would be called a consulting fee today, but it was Holmes who gave Hewett the professional base and the minimal income he needed. William Henry Holmes (fig. 9), who played "an influential role" in the passage of the

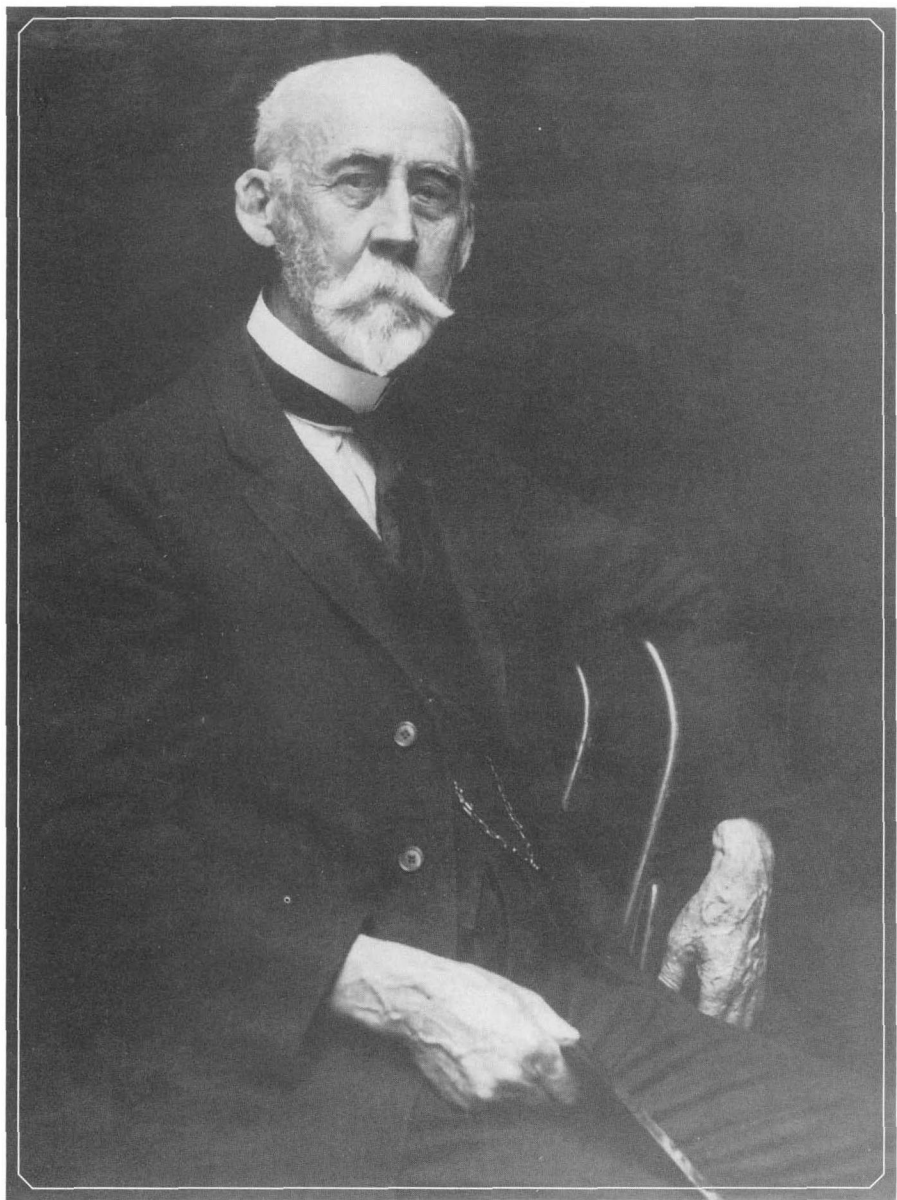


Figure 9. William Henry Holmes, Chief of the Bureau of American Ethnology from 1902 to 1909, provided the support that enabled Edgar Lee Hewett to spearhead the drive to pass antiquities legislation. (Photo by De Lancey Gill, 14 February 1925, courtesy of the National Anthropological Archives, National Museum of Natural History, Smithsonian Institution, Portraits Negative No. 45-a-1.)

Antiquities Act (Meltzer and Dunnell 1992: xxii), became Chief of the Bureau of American Ethnology (BAE) in September, 1902, three weeks after the death of its founder, John Wesley Powell. Holmes was plagued by a reduced budget, problems with the contributions of the Smithsonian to the Louisiana Purchase Exposition, often called the St. Louis World Fair of 1904, and by the demand of the Secretary of the Smithsonian, Samuel Pierpoint Langley, that the *Handbook of American Indians* be expanded and completed soon (Mark 1980: 156). Nevertheless, Holmes managed to find the resources to support Hewett. The exact nature and source of this support is not fully known. It is generally believed that Hewett was at the National Museum when he returned from Europe (Bloom 1939: 19; Chauvenet 1983: 52; Lange 1993: 4), but he is also identified as an “ethnological assistant” at the BAE (Claus 1945: 261; Ise 1961: 147; Holmes to Ryan, 27 February 1906, NAA), and Walter (1947: 261; 1939: 43) claims that Hewett had a “desultory connection” with the Smithsonian Institution. This seeming confusion may be a summary of at least some of the positions Hewett held, but it is more likely that it is a reflection of the patchwork nature of the support that Holmes was able to put together. It was common in government agencies of that day for individuals, even “permanent” employees, to receive remuneration from several sources. This practice had been raised to a bureaucratic art form by Powell. It would not have been unusual for someone like Hewett to be paid in a piecemeal fashion.

Hewett became the informal leader of the “antiquities bill alliance,” but it is doubtful that he was so designated by the Secretary of the Smithsonian, as Ise claims (1961: 147), even though the Secretary “was making final decisions on virtually all aspects of the BAE’s operation” (Meltzer and Dunnell 1992: xxi). The relationships involved in the “antiquities bill alliance” were much more informal, as suggested by the lack of official documentation. Furthermore, it was important to avoid any action that might lead to the kind of criticism that Baum had leveled at the Smithsonian (Baum 1904b: 148–50). Even though the “boundlessly energetic Edgar Lee Hewett . . . was soon in the thick of the fight to protect archaeological sites in the Southwest” (Fowler 1986: 142), he did not return from Europe all fired up to secure the passage of antiquities legislation. His fixation on Pajarito Park was as strong when he returned as it was when he left for Geneva. His correspondence with Holmes was mostly about Pajarito Park and his plea for support involved nothing but the completion of his Pajarito research.

Hewett told Holmes he needed only “the expense of the field trip and my maintenance while in Washington preparing” the Pajarito report (Hewett to Holmes, 4 March 1904, NAA). In typical BAE fashion, Holmes did not provide field expenses but allotted \$1,000 to purchase from Hewett the archaeological collections he would recover from his Pajarito excavations (Hewett to Holmes, 5 August 1905, NAA). He may also have “purchased” the manuscript of the report. The completion and publication of the Pajarito report as BAE *Bulletin* 32, “Antiquities of the Jemez Plateau, New Mexico” (Hewett 1906a), was not only a contribution to knowledge, but also a part of the plan to achieve legislation for the protection of ruins. Everyone interested in antiquities legislation was well aware that the campaign had dragged on for four years and was preparing for the possibility that several more years might be required. Hewett (1930: 184) commented many years later that “it would hardly be believed if I described the long and determined effort that was required to secure any kind of consideration of the subject.”

Holmes revealed the role that Hewett’s Pajarito publication was to play in the lobbying effort by including an Announcement in it. He stated: “The present bulletin is intended as the first in a series treating of the antiquities of the public domain and designed to supply the very general demand for fuller information about the subject than has yet been furnished” (Holmes 1906: 7). Hewett’s *Memorandum*, of course, was the real beginning of that effort. Richards, commenting in his annual report for 1906 on the fact that the pamphlet including Hewett’s *Memorandum* was almost out of print, made reference to a “more comprehensive treatise . . . prepared by the Bureau of American Ethnology” (Claus 1945: 19). Holmes (1906: 8) noted that Hewett’s *Bulletin* would be followed by others: Hewett on the San Juan Basin including Mesa Verde (Hewett to Holmes, 9 April 1906, NAA), Fewkes on the Little Colorado drainage, and Hough on the Salt-Gila area. Holmes promised that other reports “will follow as rapidly as possible until the whole Pueblo area is adequately presented.”

Holmes went on to explain the problems of ruin protection in language so similar to that used by Hewett (1905c) that it seems likely that Hewett may have drafted the Announcement for Holmes. The passage of the Antiquities Act in the summer of 1906 before the appearance of Hewett’s *Bulletin* ended the planned series of publications (Hewett to Holmes, 2 September 1906, NAA). A footnote to the Announcement records the fact that the legislation had passed and the text of the Act was included in an appendix (Hewett 1906a: 7, 54).

Hough's (1907) Salt-Gila report was already in the mill and appeared the following year but without any mention of the plan to blanket the Southwest with BAE *Bulletins*. Hewett never wrote the projected report on the San Juan and Mesa Verde. Many reports by Fewkes were published during the next 15 years with no mention of the series plan. Nor was "Antiquities of the Jemez Plateau" Hewett's last word on the Pajarito. As Schroeder (1993: xvi–xvii) points out, it contributed to several later works (Hewett 1908, 1930; Bandelier and Hewett 1937) and it was the core of *Pajarito Plateau and Its Ancient People* (Hewett 1938).

HEWETT AND THE COMMITTEES

Although Hewett spent much of 1905 (May through August) continuing his field research on the Pajarito Plateau, he did not neglect either his career development or his other duties. In December 1904 he attended the AAAS annual meeting in Philadelphia and gave a paper on education that was published in the *American Anthropologist* (Hewett 1905b). His other duties in addition to advising Richards and Holmes involved working with Congress and the archaeological community. Hewett had not been involved when the Lodge-Rodenberg bill failed to move in the House at the end of the first session of the 58th Congress in April of 1904. Busy in Europe with his doctoral program, he was unaware of the frustrating progress of the several bills before the Congress. However, he immediately became familiar with the whole situation when he reviewed all of the pending bills for Richards in the letter dated September 14 (Claus 1945: 15–16). By 1905 when he was appointed to the American Anthropological Association Committee on the Preservation of American Antiquities, which Holmes chaired, he was certainly well aware of the bickering and competitiveness among the various proponents of legislation.

As this committee and a similar one from the Archaeological Institute of America (Seymour to Committee, 15 June 1904, AIA) began to work together to try to rescue the disaster of the previous session of Congress, Hewett quietly moved into a leadership position and became secretary of the joint committee effort. He was an obvious choice because he had not taken part in the earlier battle and he had no emotional, political, or institutional commitments to any of the pending bills. The joint committee, meeting at the Cosmos Club in Washington on January 10, 1905, decided to prepare a new draft, "embodying

such provisions from pending measures as in the judgment of the joint committee should be incorporated into law" (Hewett 1905f: 397).

The General Land Office objected to the removal from the new draft of the authority of the Secretary of the Interior to make temporary withdrawals. The subcommittee of Putnam, Hewett, and Mitchell Carroll of the AIA, appointed to deal with such adjustments, agreed to restore that authority in order to avoid agency opposition (Putnam to Kelsey, 28 January 1905, AIA). This development showed that the cooperation begun by Commissioner Richards' request to Hewett had its limits. The General Land Office had been using temporary withdrawals as a major preservation technique since 1900 (Lee 1970: 39–46, *pp.* 219–23) and wanted to get congressional approval for what was an ad hoc executive procedure. The General Land Office had based its entire preservation program on withdrawals and it was having a difficult time adjusting to any new approaches.

The resulting AIA-AAA draft, submitted to Lacey January 16, 1905, benefited greatly from Hewett's earlier analysis for Commissioner Richards (Hewett 1905f). The Lodge-Rodenberg bill (Baum 1904b: 146–47) was simplified and some of the most controversial features were dropped altogether. Hewett was beginning to demonstrate that draft legislation could be gradually adapted to shifts in thinking and changing political climates, instead of being abandoned and replaced by new and different bills promoting various special interests. Although Congress adjourned before the carefully revised bill could be brought to a vote, the Lodge-Rodenberg bill was not entirely a victim of congressional parliamentary procedure. The unwillingness of the various groups to work together was the primary cause of its failure.

Even Putnam, the only one of the relatively small group of archaeologists involved who served on every AAAS, AIA, and AAA committee created from 1900 on, contributed to the competitive problem. Both he and Franz Boas at Columbia were busy lobbying against control of excavation and permits by the Smithsonian or any government entity (Putnam to Hoar and Lacey, 20 April 1904; Boas to Butler, 7 March 1904; Seymour to Committee, 15 June 1904, AIA; Mark 1980: 78). They wanted the control in the hands of a nongovernmental commission of academic archaeologists, because they saw the problem as one of research management. Their concern stemmed from the failure of the university-based scholars to recognize that the Smithsonian was a unique governmental body and not just another competing research and collecting institution that happened to be in Washington.

Putnam had adequate reason for being concerned about government control of permits because of his Chaco Canyon experience in 1900–1901. Land Commissioner Binger Hermann, responding to complaints initiated by Hewett, cancelled permission for Putnam's student, George Pepper, to dig in Pueblo Bonito with the Hyde brothers and Richard Wetherill (Lee 1970: 36–37, *pp.* 217–18; Rothman 1989: 24). Putnam was also frustrated by his unsuccessful efforts to obtain permission from the Indian Commissioner to work in Canyon de Chelly (Putnam to Washington Matthews, 3 August 1900; Matthews to Putnam, 11 August 1900; Putnam Papers, Harvard University Archives). However, Putnam had a long term perspective and, once the emotions of the battle for Lodge-Rodenberg were over, he suggested to AIA Secretary and fellow committee member Francis Kelsey (fig. 10) that

Figure 10. University of Michigan classicist Francis Willey Kelsey (left), Secretary of the Archaeological Institute of America and after 1907 its President, played an important coordinating role in the lengthy campaign to pass antiquities legislation. He is shown here on the balcony of a hotel in Pompeii, Italy, in 1892 with an artist (Lugue, right) who painted recreations of ancient Pompeiiian interiors. Kelsey was visiting August Mau, whose Pompeii in Kunst und Leben he translated into English (Mau 1899). (Photo courtesy of the Archives of the Kelsey Museum of Archaeology, University of Michigan, Negative No. K 128.)



“we should draw up such a bill as we agree upon, settling the points among ourselves, then we can go into Congress with a good strong force and carry it through” (Putnam to Kelsey, 4 June 1904, AIA). Although Hewett never saw that letter, Putnam had clearly stated the nature of Hewett’s “other duties.”

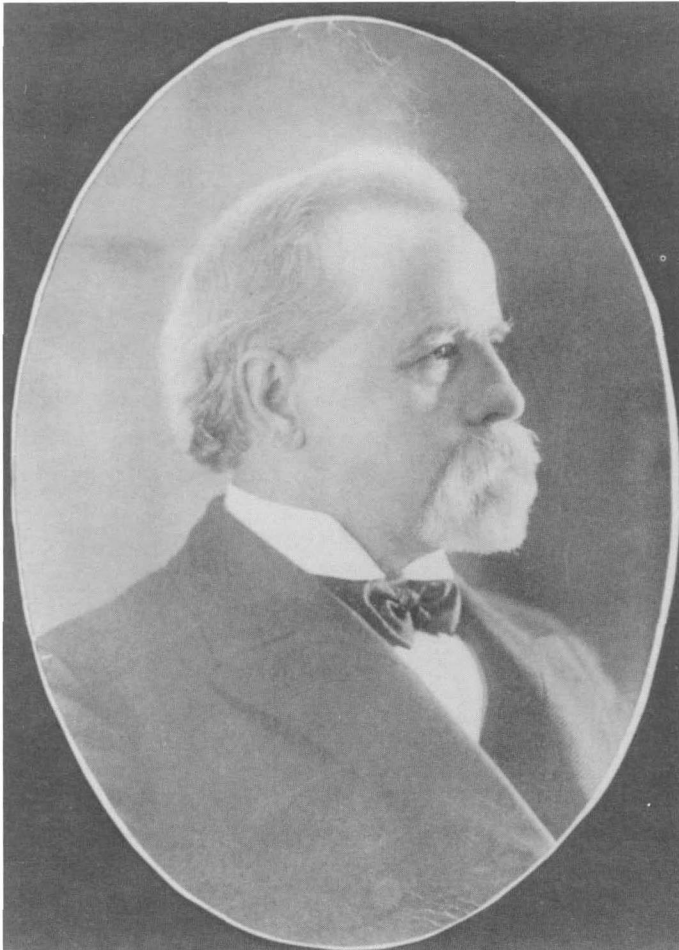
Hewett went into the field to complete his Pajarito research under BAE auspices in May 1905. He spent the previous four months attempting to meet the other duties, working closely with Lacey and Richards (Ise 1961: 152) and with Holmes and others to craft the kind of bill that Putnam described. The first step was to distribute the revised Lodge-Rodenberg bill as widely as possible and to solicit comments on it (Hewett 1905d: 165). Versions of the revised bill appeared in print in *Science* on March 10, 1905 (Hewett 1905f) and the *American Anthropologist* for March 1905 (Hewett 1905d). Such prompt publication was possible because of the close network that existed among the anthropologists in Washington. For example, Frederick Webb Hodge, the editor of the *American Anthropologist* and a member of the BAE staff, had a close relationship with Hewett.

Hewett continued transforming and refining the draft approved by the AIA-AAA Committee (Hewett 1905f) during the three months before he left in May to carry out the BAE-sponsored fieldwork in the Pajarito region. The effort was still a cooperative one involving Hewett, Lacey, Richards (Ise 1961: 162), and others, but the main communication was increasingly between Hewett and Lacey. The Department of the Interior still favored the approach developed by former Commissioner Hermann on March 20, 1900, when he submitted the draft of a “bill to establish and administer national parks, and for other purposes” (Lee 1970: 52–54, pp. 227–28). Hewett and the archaeological community were increasingly more interested in the protection of archaeological sites. Lacey had already warned Interior Secretary Hitchcock when he submitted Hermann’s draft that the Congress was not enthusiastic about the thought of massive land withdrawals to protect archaeological sites (Claus 1945: 5). Subsequent debate, comment, and action (or lack thereof) seemed to indicate that the Congress had not moved away from that position.

Figure 11 (opposite). Iowa Congressman John Fletcher Lacey, one of the “towering figures” in the nation’s conservation movement, introduced Hewett’s antiquities bill in the House of Representatives and secured its passage in early June 1906. (Photo courtesy of the State Historical Society of Iowa, Negative No. 291.)

THE INFLUENCE OF LACEY

It was clear that a new approach was needed. Hewett's title for his bill "An Act for the Preservation of American Antiquities," seemed not only to express the desires of the archaeologists, but also to signal such a change. However, no bill can survive the political process if all it does is to declare that a particular goal is both good and noble. A bill has to do something. It appears that advice from Lacey was critical at this stage of the campaign. A successful veteran of congressional battles approaching the end of his long political career, John Fletcher Lacey (fig. 11) fully understood that lawmakers normally try to solve problems rather than state policies, even though major policy concerns are often present. If the legislative solution provided is successful, the Congress may codify and elaborate the policy at a later date.



For example, Lacey's 1900 wildlife act did not declare that the federal government ought to protect birds and game, for that responsibility belonged to the states. However, interstate commerce is the responsibility of the federal government, so Lacey could protect birds and game indirectly by prohibiting interstate (and international) transport of wild birds and game in violation of state law (Lacey 1915b; Rosenbaum 1995: 762). By passing that bill, the Congress indirectly established a federal responsibility for wildlife, and from that has come the nation's wildlife protection policy.

Hewett followed Lacey's example and employed the indirect technique. He did not ask the Congress to make the federal government responsible for protecting sites on federal land by declaration of that abstract principle. Rather, his draft implied that responsibility by making it illegal for anyone to damage ruins on federal land. Such a prohibition is something that every law-abiding citizen can comprehend. It is difficult to object to such a prohibition for it is, after all, against the law to damage, destroy, or steal the property of others. Hewett developed a simple and nonthreatening way to establish indirectly the principle that the federal government must safeguard the archaeological sites on its lands, and he did so without mentioning land withdrawal of any kind. The emphasis on the prevention of looting and vandalism addressed directly the growing public concerns about such depredations (Wild 1987: 39–40). Hewett and others had done a good job of alerting the public and the Congress to the severity of this problem. Hewett (1904c: 4), in his widely disseminated *Memorandum* to Commissioner Richards, commented that "it will be a lasting reproach upon our Government if it does not use its power to restrain" the destruction of the ruins. The language of Section One of Hewett's draft very skillfully shifted attention away from the withdrawal of land that was such a red flag to many western congressmen.

At the same time, there was widespread recognition that there were a few places that were unique and so spectacular that they deserved special treatment and permanent protection. It was this type of site that the General Land Office had sought to protect by its temporary withdrawal policy. Hewett understood that "if the areas already withdrawn from entry could not be converted to permanent status, the work of early preservation advocates and their allies would be wasted" (Rothman 1989: 55). Hewett had played a role in developing the policy of

temporary withdrawal (Ise 1961: 148) and had prepared reports identifying the most important ruins in need of protection (Hewett 1904c, 1905c). In addition, he had praised the General Land Office for its enlightened approach on many occasions (Hewett 1904b: 727; 1904c: 4, 17; 1905c: 591–92).

There was also the problem that the Congress had displayed little enthusiasm for establishing national parks, for example, Pajarito, Mesa Verde, and Petrified Forest (Lacey 1915d). Therefore, Section Two of Hewett's draft authorized the President to set aside the unique places as national monuments (Lubick 1996: 54). Hewett frequently expressed the view that if his general bill were to pass, Section Two could be used to establish a Mesa Verde National Monument, especially since the Mesa Verde National Park bill was in some jeopardy (Hewett to Kelsey, 26 January 1906, AIA). Hewett made no mention of parks in his draft, which made his wording less threatening than earlier efforts to combine the general and the park approaches. Moreover, by placing the national monument idea in Section Two he avoided having land withdrawal appear in the first sentence or in the title of his draft. Nor did he compare his proposed monument authority with existing authority to create forest reserves, a feature of earlier drafts, beginning with Dolliver in 1900, that was offensive to many Westerners.

It is interesting to note that when Hewett discussed his two-fold classification of archaeological sites in print, he always listed the special category that merits permanent preservation first and the "all other" category that deserves only temporary protection second (Hewett 1904c: 4, 12; 1905c: 590). The shift of emphasis in the bill reflects the tactical differences between an academic or administrative report and proposed legislation. Hewett tried to avoid language anywhere in the bill that might trigger debate over details, such as how much land would be withdrawn, by limiting the amount of land to "the smallest area compatible with the proper care and management" of the monument. There was, after all, no consensus on this subject. Casa Grande was just under 500 acres and Hewett had suggested in his *Memorandum* to Richards that "in many cases 10 acres are sufficient" (Hewett 1904c: 2). Colorado Senator John Franklin Shafroth wanted no more than 320 acres, but several years later another Coloradan, Senator Henry Moore Teller, who had served as Secretary of the Interior from 1882 to 1885, was willing to accept twice that amount.

LAND MANAGEMENT PROBLEMS

Hewett, with his western experience, was for a long time almost alone in recognizing both the nature of the federal landholdings and the importance of the land-managing agencies (Hewett 1905c: 593). Early on he noted that while "public land" and "public domain" were used in the vernacular to refer to government land, the legal system restricted the meaning of those terms to the unappropriated lands available for entry under the Homestead and other acts. Indian reservations, forest reserves, and military establishments were not considered "public lands" (Hewett 1905c: 594; Lee 1970: 74, *p.* 240). To solve this problem, Hewett inserted the phrase "lands owned or controlled by the Government of the United States" in Section One of his draft. He also emphasized the role of the land-managing agencies. "Custodianship of antiquities," he stated, belonged "in the departments having jurisdiction over the lands on which antiquities are situated, and . . . the protection of said antiquities by said departments should be made obligatory" (Hewett 1905c: 604). The passage of the Forest Transfer Act in 1905 at the very end of the 58th Congress helped to force attention on land management matters. This act, on which Lacey had been working since 1896, moved the responsibility for the nation's forests from the Department of Interior to the Department of Agriculture, fulfilling a long-time dream of Gifford Pinchot of the Bureau of Forestry (Lee 1970: 67, *p.* 236; Hewett 1905c: 593, 1905d: 164).

This change in land jurisdiction meant that the ruins were now under the custodianship of three cabinet officials: the Secretaries of the Interior, Agriculture, and War. It invalidated Section One of the AIA-AAA draft that gave all authority over ruins to the Secretary of the Interior (Hewett 1905f: 397). The removal of that section made it easier for Hewett to transform the earlier draft and move it in the new direction. Furthermore, neither the Smithsonian Institution nor its Bureau of American Ethnology were land-managing agencies, although Hewett had earlier suggested to Holmes that the protection of antiquities should be a BAE responsibility (Hewett to Holmes, 29 September 1903, NAA). Hewett was able to place the responsibility on the land managers, simplify the role of government, and alleviate some of the fears of the academic archaeologists by removing all reference to the Smithsonian and BAE from the bill. The advisory role of the Smithsonian was preserved by its inclusion in the rules and regulations for the Antiquities Act (Hewett to Holmes, 3 July 1906, NAA).

Commissioner Richards, however, was uncomfortable with the deletion of a role for the Smithsonian. He had followed the recommendation of his predecessor, which gave the Smithsonian preference in research and alarmed the academics. After Hewett's bill had been introduced into the Senate, the Secretary of the Interior gave Richards another opportunity to restore a role for the Smithsonian by asking him to provide comments on the Senate bill, which was identical to the House bill. Although Richards had been a key member of the "antiquities bill alliance," he suggested substitute language for Hewett's Sections Three and Four that put control of all explorations "under the direction and supervision of the Smithsonian Institution" (Claus 1945: 12). It appears that the Secretary may not have forwarded this recommendation to Senator Patterson. In any event, the Senate did not change a single word in Hewett's draft. Yet, the fact that Richards would revive a concept that originated in Hermann's bill in 1900, after all of the cooperative effort that went into Hewett's draft, shows that the General Land Office was most persistent in promoting its long-standing desires. It may also indicate that Richards was anxious to transfer to the Smithsonian those aspects of custodianship that he did not want to handle.

One of the reasons for protecting the ruins was to preserve their educational value. It was expected that information about them would be recovered by "properly qualified" professionals. These thoughts were reflective of the Progressive Era philosophy that the nation's resources should be centrally controlled and managed by competent specialists for the good of the country as a whole. Section Three of Hewett's draft followed similar sections of earlier bills in authorizing the issuance of excavation permits to institutionally based archaeologists. The permits were to be issued by the same land-managing agencies that were responsible for protecting the ruins from the vandalism prohibited in Section One (Hewett 1906b: 113). These agencies would also develop and administer the rules and regulations called for in Section Four of Hewett's draft.

Hewett had seen how bickering over procedural details had hindered earlier attempts to pass antiquities legislation. Because of his determination to avoid such problems, in Section Four of his draft he specifically left all details of procedure to the wisdom of the three cabinet secretaries (Rothman 1989: 49). The efforts of Charles Lummis to obtain permits during the summer of 1905 underscored the need to keep Section Four as simple as possible. The Lummis experience demonstrated that the government agencies were poorly prepared to deal

with permit requests. Hewett seemed genuinely convinced that it would be a mistake politically to try to specify procedures in the language of the bill. He may also have wanted to keep the permit process as flexible as possible for personal reasons, for after the passage of the Antiquities Act he manipulated the permit process to further his own research agenda as well as that of friends like Lummis (Rothman 1992: 84–115).

Lummis had applied for permits to dig in Arizona. He treated the federal officials with arrogance and disdain, and they responded with bureaucratic efficiency that he called the “insolence of office” (correspondence between Lummis and Office of Indian Affairs, Secretary of the Interior, Bureau of Forestry, Seymour, 6 through 24 October 1905, AIA). Lummis complained to President Theodore Roosevelt (Lummis to Roosevelt, 15 August 1905, AIA). When the permits were finally granted, Lummis claimed it was the result of pressure from the President (Lummis to Seymour, 10 October 1905, AIA). In fact, Holmes had brokered an arrangement whereby the BAE would provide supervision of the work under permit (Hewett 1906b: 111–13). This arrangement recalled Hewett’s earlier comments to Holmes about a BAE role (Hewett to Holmes, 29 September 1903, NAA) and anticipated the role of the Secretary of the Smithsonian Institution in the rules and regulations for the Antiquities Act.

Lummis later claimed that he “initiated, and finally put through (with the aid of Hewett and eminent scientists, and with the direct and forcible intervention of President Roosevelt in our behalf) the Lacey Act of 1906. . . . I made the fight personally in Washington” (Lummis, *Journal*, in Gordon 1968: 19). Lummis, possibly because of faulty memory but more likely because of his propensity for self-aggrandizement and prevarication (Byrkit 1989: xvii), seems to have confused the 1905 permit experience with one that took place two years later in 1907 when the Secretaries of the Interior and Agriculture could not agree (Fiske and Lummis 1975: 130; Mark 1980: 78). Again, Lummis complained to Roosevelt who met with him, Hewett, Holmes, Secretary of Agriculture James Wilson, and Secretary of the Interior James Rudolph Garfield.

Although Hewett insisted on a bill with minimal procedural detail, he had his own ideas about the nature of the permit system (Hewett to Holmes, 18 December 1905, NAA). He expressed his concern about the rules and regulations to Holmes on the eve of his departure for research in Mexico: “As it seems almost certain that the Lacey bill will

pass, I venture to express the hope that you can stave off the making of the regulations provided therein until I return from Mexico, which will be about Dec. 27" (Hewett to Holmes, 1 June 1906, NAA). Hewett wrote from Mexico, soon after Lacey had written to inform him that the bill did pass, expressing the fear that "Boston" might get involved and hinting that he had already begun work on the rule making process (Hewett to Holmes, 3 July 1906, NAA). In any event, the final rules and regulations, including the advisory role for the Smithsonian, were adopted without Hewett's input on December 28, 1906 (Lee 1970: 118–20, *pp.* 267–69; Meltzer and Dunnell 1992: xxii).

The issuing of permits under controlled conditions protected the research interests of the archaeological community. Many academic archaeologists were anxious to exercise control over research access to archaeological sites and were upset about the idea of giving permitting authority to any government official (Mark 1980: 78). "The Southwest had for some decades provided good hunting grounds for northeastern archaeologists and ethnologists" (Hinsley 1986: 219) and they hoped to continue to have unimpeded access to those resources. Putnam, Boas, and others had lobbied against giving any control over either permits or research to federal bureaucrats, especially those in the Smithsonian Institution (Boas to Butler, 7 March 1904; Putnam to Hoar and Lacey, 20 April 1904; Putnam to Kelsey, 4 June 1904; AIA). They preferred control by a nongovernmental commission of academic archaeologists, in other words, themselves (Mark 1980: 78). The President of the AIA, Thomas Day Seymour of Yale, included consideration of such a commission in his charge to the AIA committee with which Hewett and the AAA committee were cooperating (Seymour to Committee, 15 June 1904, AIA). This desire on the part of the academic archaeologists was another example of their failure to distinguish between the conduct of research on federal land and the management of that land and its resources.

THE ITHACA MEETING

By April 1905, Hewett had essentially completed the basic work on his draft for the Antiquities Act, so it was possible for him to go into the field to complete his Pajarito research. He spent the summer in the field and returned to Washington at the beginning of September to

write up his report and to take care of any last-minute work on the bill. However, Cora's health had deteriorated badly. When they were in Europe she often required a wheelchair, and she was confined to St. Vincent's sanitarium in Santa Fe while Hewett was wrapping up his Pajarito work (Hewett to Holmes, 5 August 1905, NAA). Cora died in Washington that fall and was buried in Fairmount, Missouri (Chauvenet 1983: 52). By mid-December, Hewett had finished the report and returned to his old home in Hopkins, Missouri, for a few days of rest (Hewett to Holmes, 18 December 1905, NAA).

Hewett went to Ithaca, New York, in late December 1905 where he attended the joint annual meeting of the AIA and AAA, presenting a paper on the progress of the "antiquities bill alliance." Prior to leaving for Ithaca he wrote to Holmes, echoing Putnam's advice to Kelsey in June 1904: "I am convinced that it is my duty to attend that meeting. It is exceedingly important that all the interested parties should be of one mind with reference to the proposed legislation and I am increasingly hopeful that this may be brought about at the Ithaca meeting" (Hewett to Holmes, 18 December 1905, NAA). That is exactly what happened. He gave his paper on December 28 and that evening at a joint business meeting, the two professional groups unanimously accepted his draft and also adopted a resolution calling for the establishment of Mesa Verde National Park (Hewett 1906b: 113-14; Committee meeting, 28 December 1905, AIA). Hewett had successfully transformed the earlier AIA-AAA bill into an entirely new bill that satisfied both the governmental agencies and the professional community. He described his draft bill as "a memorandum of provisions which seem to be needed." He went on to explain: "They are drawn from measures previously brought forward with such modifications as have become necessary through the rise of new conditions, and with the addition of some new matter, designed to meet conditions with which we were previously unacquainted." He pointed out that "every effort has been made to preserve the exact spirit of the measure agreed upon last year . . . and at the same time meet the wishes of the various Departments of Government that will be charged with the administration of the law" (Hewett 1906b: 113).

At that same meeting, Hewett was chosen by the AIA as its second Fellow in American Archaeology (Hinsley 1986: 220). He was expected to carry out research in the Southwest and Mexico and to explore the possibility of a School of American Archaeology in Mexico, but he was allowed to spend a few months on the antiquities legislation

and the promotion of AIA interests in the West where new chapters were being formed, an arrangement that upset Charles Pickering Bowditch of Boston who funded the fellowship (Bowditch to Kelsey, 25 May 1906; Hinsley 1986: 224). Hewett worked closely with Francis Willey Kelsey of the University of Michigan who was the AIA Secretary (Hinsley 1986: 222-23; Riggs 1927; Robinson 1927; Worrell 1933). The Associate Secretary was Alexander Mitchell Carroll of George Washington University (fig. 12) in the nation's capital, where he kept a close watch on political events (Kelsey 1926). Kelsey, Carroll, and Hewett became close friends as a result of this collaboration.

Hewett submitted the approved draft to Lacey, who introduced it into the House on January 9, 1906. At Lacey's request, Senator Thomas MacDonald Patterson of Colorado (fig. 13) introduced it in the Senate. Patterson was also the Senate sponsor of Hogg's Mesa Verde bill. Hewett reported to Kelsey that "Mr. Lacey is greatly pleased

Figure 12. Alexander Mitchell Carroll, Associate Secretary of the Archaeological Institute of America and after 1908 its Secretary, was able to monitor the progress of the various antiquities bills because of his presence in the nation's capital as Professor of Classics at George Washington University. (Photo courtesy of the University Archives of the George Washington University.)



with [our] bill. . . and finds no flaw in it" (Hewett to Kelsey, 12 January 1906, AIA). Lacey had been embarrassed the year before when several archaeologists unsuccessfully brought pressure on the autocratic Speaker of the House, Joseph Gurney Cannon of Illinois, to reverse his decision not to bring the Lodge-Rodenberg bill to the floor during the last few days of the 58th Congress (Carroll to Kelsey, 17 February 1905; Kelsey to Putnam, 20 February 1905; Putnam to Kelsey, 1 March 1905, AIA). Hoping this time to avoid outside interference in the legislative process, Lacey let Hewett know that further letter writing to him and to the Speaker was unnecessary (Hewett to Kelsey, 12 January 1906; Hewett to Seymour, 26 January 1906, AIA). Clearly, Lacey had everything under control and wanted to allow what Hewett (1905c: 605) called "the great machinery of Congress" to do its work.

Figure 13. Colorado Senator Thomas MacDonald Patterson sponsored the Senate version of both Congressman Lacey's Antiquities bill and Congressman Hogg's Mesa Verde National Park bill. (Photo courtesy of the Colorado Historical Society, Negative No. F-8392, S0025 443.tif.)



Throughout the several months before the bill passed, Lacey reassured Hewett periodically and Hewett passed that encouragement on to others (Hewett to Seymour, 27 February 1906; Hewett to Kelsey, 28 May 1906, AIA). Lacey, of course, received letters from many supporters not involved in the "antiquities bill alliance." For example, W J McGee, whom Lacey met at the St. Louis Exposition in 1904, wrote in support of legislation in April 1904 and January 1906 (Gallagher 1981: 18).

HEWETT AND MESA VERDE NATIONAL PARK

In the meantime, the bill to create Mesa Verde National Park, introduced by Congressman Herschel Millard Hogg from Telluride, Colorado, was in trouble. It was not clear where the great cliff dwellings were in relation to the proposed park except that some of the most spectacular ruins were known to be on the Ute Indian Reservation (Hewett 1905c: 600). The Congress was typically unwilling to consider withdrawal of land without established boundaries. This congressional reluctance recalls the problem faced by Fletcher and Stevenson in 1888. Several Congressmen indicated that a favorable vote on Mesa Verde depended on adequate survey information (Hewett to Kelsey, 24 April 1906, AIA). Hewett commented on the prospects of the Mesa Verde bill under these circumstances: "If all the people of Colorado were here [Washington] to request passage, it would do no good (Hewett to Kelsey, 3 February 1906, AIA).

In an effort to resolve the problem, Assistant Secretary of the Interior Thomas Ryan, Land Commissioner Richards, and BAE Chief Holmes arranged to have Hewett assist in a resurvey of the boundary between the proposed park and the Ute Reservation (Richards to Ryan, 21 February 1906; Holmes to Ryan, 27 February 1906; NAA). Richards urged Ryan to request the assistance of a BAE archaeologist. Holmes responded to the request by assigning Hewett who was "engaged by the Bureau in exploring the antiquities of the Pueblo region." The "antiquities bill alliance," comfortable that the antiquities bill was going well, turned its attention to Mesa Verde. The survey contract had been awarded to George Mills, one of Hewett's friends from Mancos, Colorado, who had done the previous survey, but by triangulation only. The resurvey was to follow the line on the ground, with Hewett locating and identifying the ruins to be included (Hewett to Holmes, 22 March 1906, 9 April 1906, NAA). Hewett researched records in

Denver and Washington and made two trips with the survey crew (Hewett to Kelsey, 24 April 1906, AIA; Chauvenet 1983: 56–57). The survey did not get underway until April because of the deep snow and was not completed until the end of the month because of the rough terrain. Mills submitted his report at the end of May (Hewett to Kelsey, 28 May 1906, AIA).

Hewett recognized that the real problem was not the lack of good survey information. The survey that Mills and he carried out basically confirmed earlier work in the region. The problem stemmed from the fact that the major cliff dwellings, such as Cliff Palace, were on Indian land and not inside the proposed park boundaries. Hewett, following good legal advice and using the principle that the federal government controlled unpatented Indian land, drafted an amendment to Hogg's bill that placed all ruins within five miles of the park boundary under the control of park authorities (Hewett, 24 April 1906, AIA). His amendment was accepted by the Commissioner of Indian Affairs, Francis Ellington Leupp, and the House Committee on Public Lands (Lee 1970: 79–80, *pp.* 242–43). The bill passed both houses of Congress and President Theodore Roosevelt signed it on June 29, 1906.

AN ACT FOR THE PRESERVATION OF AMERICAN ANTIQUITIES

After completing his Mesa Verde report, Hewett began preparation for the Mexican part of his AIA Fellowship research. While he was in the field his draft Antiquities Act passed both houses of Congress early in June and was signed by President Roosevelt on June 8, 1906. Both Lacey and Holmes relayed the good news to Hewett, who responded from his camp on the headwaters of the Yaqui River in eastern Sonora, "*estoy muy contento*" (Hewett to Holmes, 3 July 1906, NAA). Just 24 years and a month separated Senator Hoar's petition to save Pecos and the passage of a law that protected the archaeological resources on "all lands owned or controlled by the United States." The passage of the Antiquities Act was testimony to the important role that the "antiquities bill alliance" played in the political process, but the alliance was successful in large part because of Hewett's excellent relationship with Lacey.

The previous efforts of the General Land Office to provide temporary protection for ruins was ratified by Section Two of the new law, which authorized the establishment of national monuments. Richards had wanted the language of Section One of the act to include objects of "natural wonder" as well as those of antiquity, but the phrase "and other objects of historic and scientific interest" in Section Two resulted in an interpretation that amounted to about the same thing. Although the law was titled the Antiquities Act, potential national monuments did not have to be exclusively archaeological to qualify (Lee 1970: 74, *p.* 240; Rothman 1989: 69–70). For example, the first monument to be proclaimed was Devil's Tower in Montana and the fourth was Petrified Forest in Arizona, one of Lacey's favorite places (Lubick 1996). He had three times gained House approval for a Petrified Forest National Park without getting Senate support. It was one of the first areas given temporary protection by the General Land Office (Hewett 1905c: 592). Lacey (1915d: 206), campaigning for public pressure on the Senate to pass his bill, commented: "That lover of nature, the President, will be glad to sign such a bill." Although that "lover of nature," Theodore Roosevelt, was denied that opportunity by Senate inaction, he was encouraged to take action by John Muir and other conservationists (Wild 1987: 32, *n.* 30). He used the Antiquities Act to proclaim that the Petrified Forest was "of the greatest scientific interest and value," creating Petrified Forest National Monument on December 8, 1906, six months to the day after signing the act that authorized him to do so. Congress finally honored Lacey's oft-repeated request by converting that national monument to a national park in 1962.

Much of the literature on the Antiquities Act appropriately emphasizes the importance of the authority in Section Two to create national monuments (Ise 1961; Lee 1970: 87–116, *pp.* 247–65; Righter 1989; Rothman 1989; Runte 1979). When Hartzog (1988: 220) referred to the Antiquities Act as "an old and reliable authority," he was thinking primarily of its value for creating national monuments, but as Haury (1983: 8) has pointed out, "each of the places set aside for its natural wonders . . . has its own wealth of ruins and a human story to tell." The original purpose of the act was to "preserve American antiquities." That is certainly what Edgar Lee Hewett thought it was when he prepared the draft. When he and Lummis wrote to Roosevelt in 1907, they reinforced that view, stating that "the purpose of this act is ab-

solutely plain" (Richter 1989: 284). Hewett, "a man of adroit administration" (Fowler 1986: 142), was concerned about a clearly articulated purpose that had straightforward policy implications. His draft was successful because it had such implications. They, in turn, have given structure to the development of the nation's archaeological policies ever since.

THE POLICY IMPLICATIONS

Hewett articulated several basic principles in the various papers he wrote on the need for legislation, especially the *Memorandum* he prepared for Richards and his "General View of the Archaeology of the Pueblo Region" (Hewett 1904c, 1905c). These documents help to explain his policy concerns, much as the record of congressional hearings today holds the key to the interpretation of modern legislation.

The most basic of these principles concerns the nature of archaeological evidence. Hewett (1904c: 3) pointed out at the very beginning of the *Memorandum* that every cliff dwelling, prehistoric tower, shrine, burial "is an object that can contribute something to the advancement of knowledge." He referred to the archaeological record of the Southwest as a "vast treasury of information" and frequently emphasized the value of artifacts in context (Hewett 1904b: 722, 727; 1904c: 4). Unlike Baum, who saw archaeological sites as a source of artifacts for museum collections (Rothman 1989: 40), Hewett saw every site and its contents as a repository of information about the past. Baum, of course, was only continuing an attitude that had its beginnings in antiquity, for archaeological sites had for centuries been plundered without regard for context in order to obtain exotic, curious, and artistically pleasing objects.

Hewett was a product of the late nineteenth century with its great advances in scientific method. His critics have insisted that his less-than-elegant field procedures demonstrate that he did not fully comprehend what that method was. In fact, his field methods were no better or worse than those of many of his contemporaries working in the Southwest, including those credentialed by eastern institutions. Whatever his level of understanding of the scientific method may have been, he strove to apply the ethics of that method to the study of the past. Hewett wanted to create Pajarito Park for the benefit of scientific re-

search and he repeatedly referred to the scientific value of the ruins. Anthropology and archaeology, though still in their infancy, were recognized members of the scientific community. The conservationists and politicians of the Progressive Era were using the methods of science in their efforts to manage wisely the resources of the nation. The idea that ruins were treasuries of information, rather than rich repositories of loot ready for the taking, resonated well with both political trends and public opinion in the first decade of the twentieth century.

The term “nonrenewable” was not part of the vocabulary of that period, but Hewett demonstrated that he understood the concept by emphasizing each site’s unique contribution to knowledge and by deploring the great loss to science caused by the destruction of the ruins (Hewett 1904c: 4). As McManamon (1996: 19) points out: “Enactment of the Antiquities Act recognized that archeological sites and artifacts recovered from them are most valuable as sources of historic and scientific information about the past.”

Although all archaeological sites are sources of information about the past, Hewett was especially concerned about those on federal land and pointed out that “measures for the preservation of antiquities can not be intelligently framed without consideration of their situation with reference to ownership or jurisdiction” (Hewett 1905c: 595). The federal government controlled a great deal of the land in the Southwest, and Hewett (1905c: 590) often claimed that 90 percent of the ruins in the Southwest were on federal land. Looting of the ruins, mostly for commercial purposes, was a serious threat to the integrity of the archaeological record. It was essential for the government to accept responsibility for the archaeological resources on its lands, just as it had done for timber reserves. The temporary withdrawal policies of the General Land Office had established that principle. Fletcher and Stevenson (1889) had tried to “inaugurate the precedent of preserving archaeological remains upon the Public Domain” when they began the campaign to establish a Pajarito Park. The New England conservationists who convinced the Congress to save Casa Grande also thought that they were helping to establish the principle that the government has a responsibility toward the ruins on the land it controls. Hewett saw the need for that principle to be embedded in more general legislation. The most fundamental principle underlying the Antiquities Act is the assertion of a public interest in the federal ruins and the congressional acceptance of the responsibility to protect the public’s interest. This

definition of statutory responsibility for the archaeological resources on federal lands is basic to all other national historic preservation policy.

Hewett (1904c: 4) was concerned not only about the destruction and loss of information caused by looting, but also by the use of the Homestead Act to obtain sites for commercial and private gain (Hewett 1905e). Although he and others frequently used the analogy of the federal forest reserves to bolster their case, they did not want the archaeological sites treated like timber and offered for sale. The information in the ruins dealt with a part of the nation's heritage and therefore belonged to all. This view was one expression of a concept that Alfred Runte (1979) has called "cultural nationalism."

If the ruins belonged to the public, then the government had a duty to protect them. The Antiquities Act forbade not only looting and destruction of the ruins, but also selling the artifacts found in them for commercial and private gain. Archaeological resources, like all other public resources, were to be managed according to the Progressive philosophy that Gifford Pinchot, the first chief of the Forest Service, succinctly described as "the greatest good to the greatest number for the longest time" (Pinchot 1910: 48). McManamon (1996: 19) states that the identification of "archeological resources as noncommercial is the most basic public policy established by the Antiquities Act."

Hewett clearly intended the Antiquities Act to identify archaeological resources as public property that the government had a duty to protect. Nevertheless, his indirect approach and turn-of-the-century language began to cause problems in prosecuting offenders as the nation's legal systems became more precise. Therefore, when the Archaeological Resources Protection Act was passed in 1979, very explicit language was included to reinforce the already accepted principle that the ruins and their contents belonged to the government, a principle that Hewett had worked so hard to establish (Collins and Michel 1985). McManamon (1996: 21) ably describes how Hewett's language led to the development of (1) professional and scientific standards not only in archaeological research on federal lands but in the whole discipline of archaeology, and (2) informative museum exhibits, popular publications, and other educational procedures that enable the public to benefit from the policies first promulgated in the Antiquities Act.

Because Hewett saw sites in terms of their research potential, he was able to express very early the idea that once a site had given up its information, it no longer needed to be preserved. His twofold classifica-

tion of sites included places worthy of becoming national parks and others that should be protected until "all data of importance to science have been investigated and all artifacts in connection therewith removed to museums for permanent preservation" (Hewett 1904c: 4; 1905c: 591). Hewett was responding to the idea that not all sites are equal, that some sites are more significant than others. He promoted full data recovery but did not offer a way to determine levels of significance. Nevertheless, he articulated the basic principles behind what became salvage archaeology and ultimately cultural resource management, because he gave priority to the information in the site rather than to the site itself. This principle has been of inestimable value to archaeology ever since. It has enabled archaeologists to relate in a rational way to economic and political realities, because they do not have to insist on saving "everything." They can focus instead on recovering the information that makes the ruins valuable in the first place.

The most fundamental of the principles established by the passage of the Antiquities Act is a very simple one: the federal government has a statutory responsibility for the archaeological resources on the land it owns or controls. At first it seemed that all the government had to do to meet that responsibility was to protect the ruins from the depredations of others. Gradually, however, it became clear that the government's own land-modification activities also threatened the archaeological resources. Responsibility took on new meaning as archaeology was included in the economic development programs of the Great Depression (Fagette 1996). As in the case of the Antiquities Act, the Executive agencies took the first action, with the Congress following up later with statutory support. After the Second World War, more indirect federal actions, such as permits, grants, tax incentives, and loan guarantees, have broadened the nature of the federal responsibility even more. Any exercise of federal power that threatens archaeological resources triggers responsible federal action.

Today, the United States of America has expanded upon the principles embedded by Hewett in the Antiquities Act of 1906 to create an effective though complex body of historic preservation law and policy supported by appropriate rules and regulations (Blumenthal and Brevett 1993; Cunningham 1999; Fowler 1974; Hutt, Jones, and McAllister 1992; King 1998; Loomis 1983; McGimsey 1972; Moratto 1977). It is often thought that those countries that base their legal systems on Roman common law, such as France and Mexico, have a more direct

and less complex approach to historic preservation. However, no modern nation can adequately protect its archaeological resources in a simplistic manner. Mexico, France, and many other countries have laws, decrees, and regulations just as complex as those in this country (Litvak Kiñg, González, and González 1980; Phelan 1998; Rigambert 1996). This is not surprising because archaeology is a worldwide science with common international standards. Nowhere, however, has anyone articulated the basic principles and policies of archaeological preservation as well as did Edgar Lee Hewett during that brief period when he participated in that informal, ephemeral, but highly successful “antiquities bill alliance.” ❖

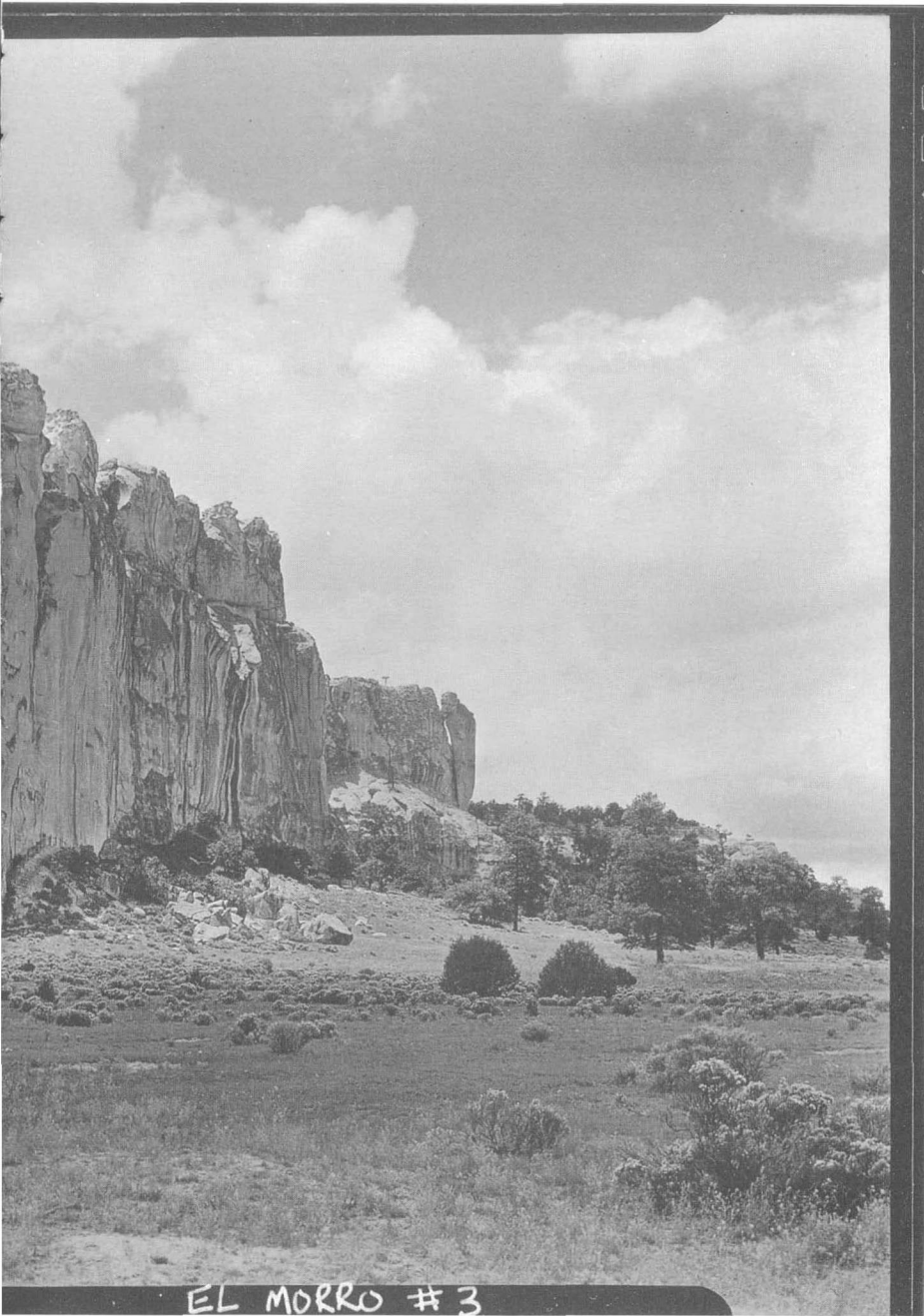
PART THREE



*Photographs by George Alexander Grant
of National Monuments and Parks
in the American Southwest*



*Figure 14. El Morro National Monument, New Mexico (1906).
(Grant negative El Morro 3, taken 29 July 1929.)*



Note: Figures 14–38 are arranged in the order of presidential proclamation of monuments under the authority of the Antiquities Act (date of proclamation is in parentheses following the monument name in the caption), except for Mesa Verde National Park established by Congress in 1906. Photos courtesy of the Western Archeological and Conservation Center of the National Park Service in Tucson.

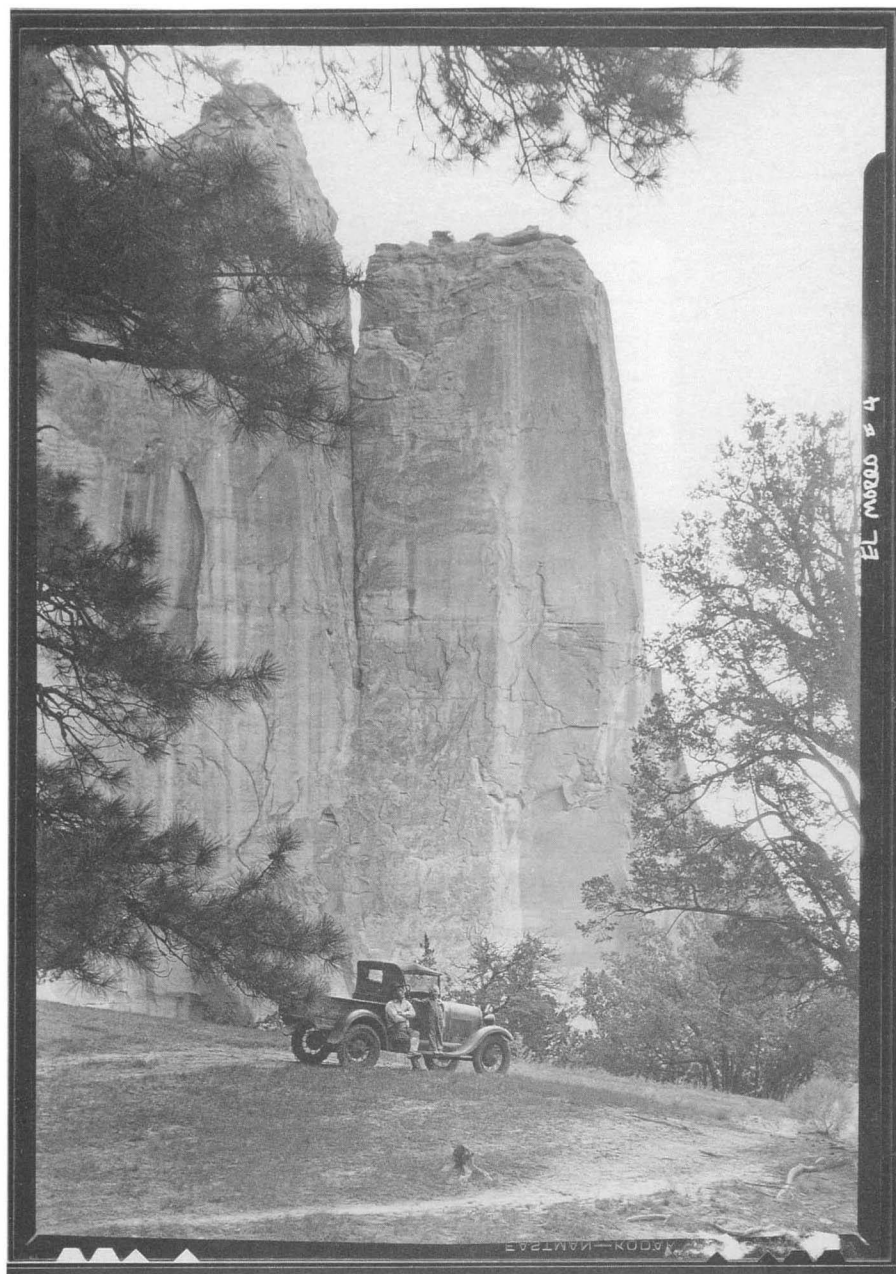


Figure 15. Custodian Evon Zart Vogt and daughter Joan, El Morro National Monument, New Mexico (1906). (Grant negative El Morro 4, taken 29 July 1929.)

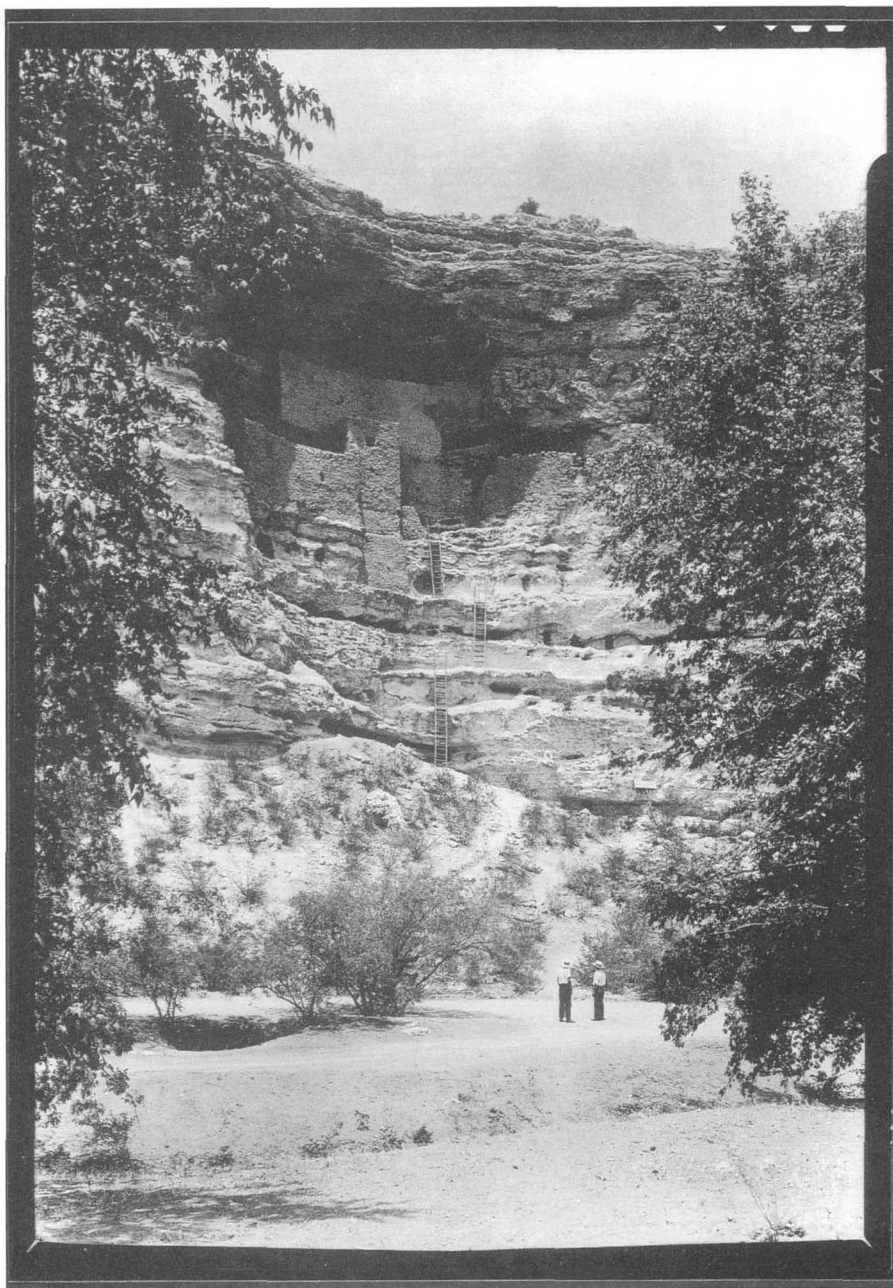


Figure 16. Montezuma Castle National Monument, Arizona (1906), showing ladders that allowed tourists to explore the ruins, a practice no longer permitted. (Grant negative Montezuma Castle 1a, taken 30 June 1929.)



Figure 17. Petrified Forest National Monument, Arizona (1906), redesignated Petrified Forest National Park in 1962. (Grant negative Petrified Forest 150, taken 8 October 1934.)



PET FOR 150

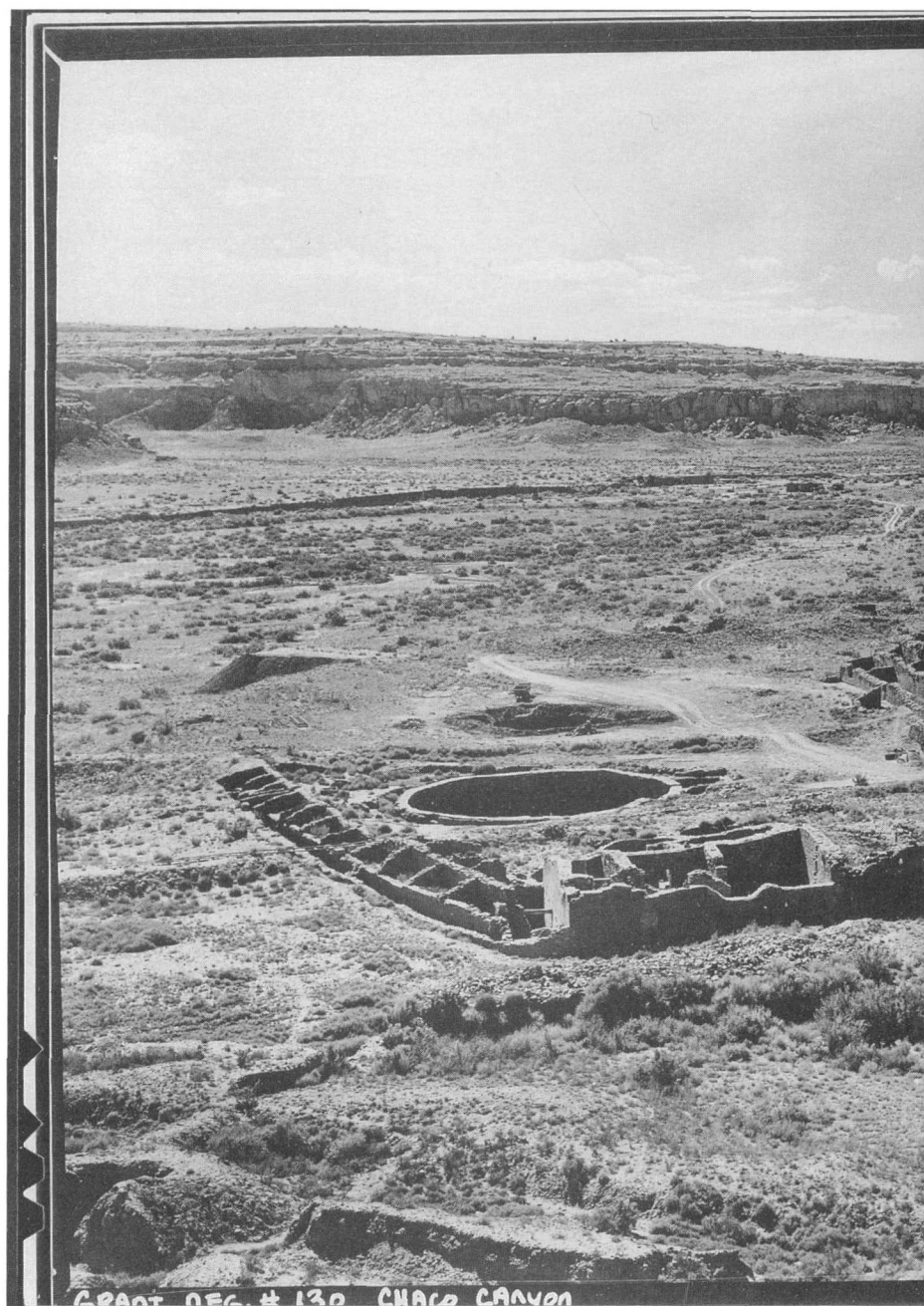
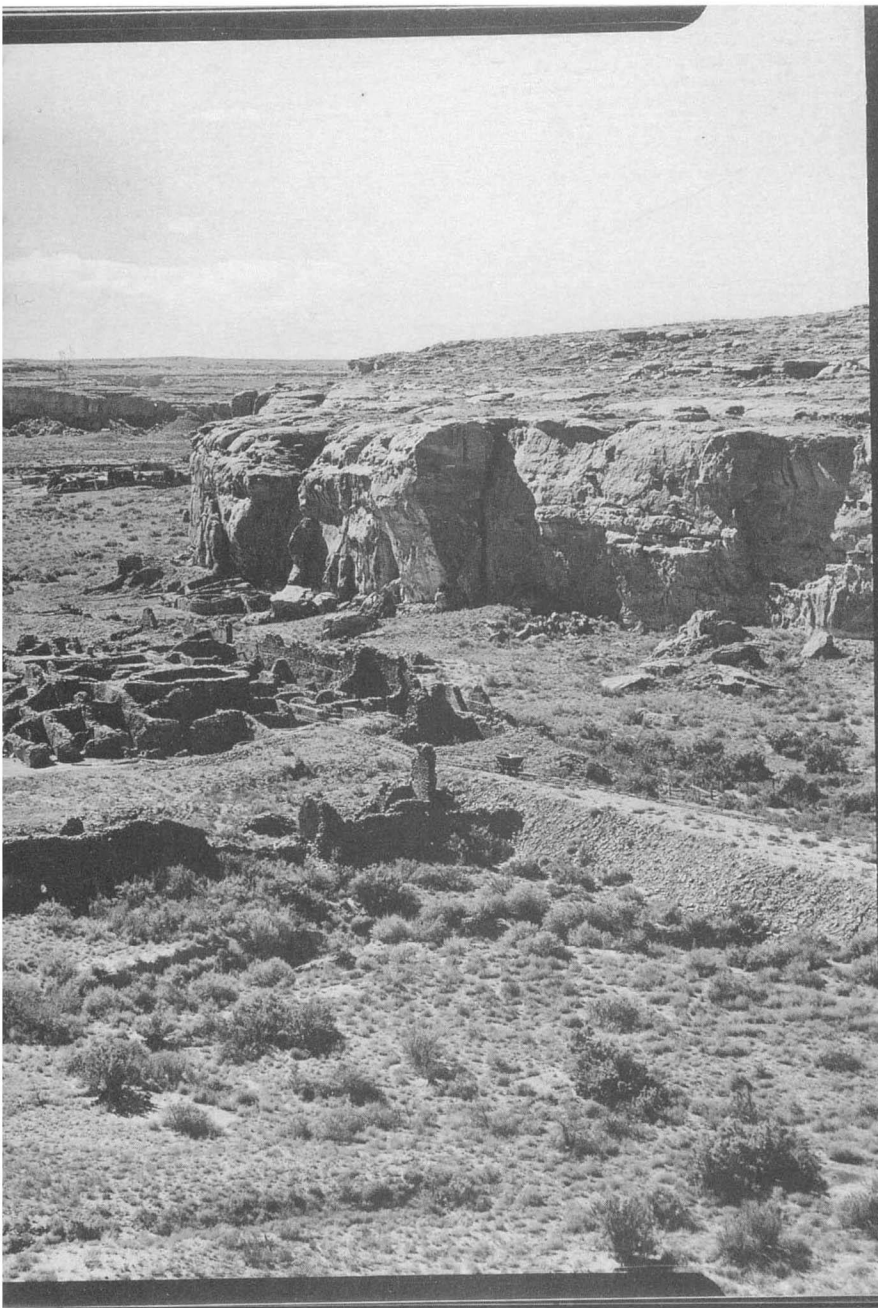


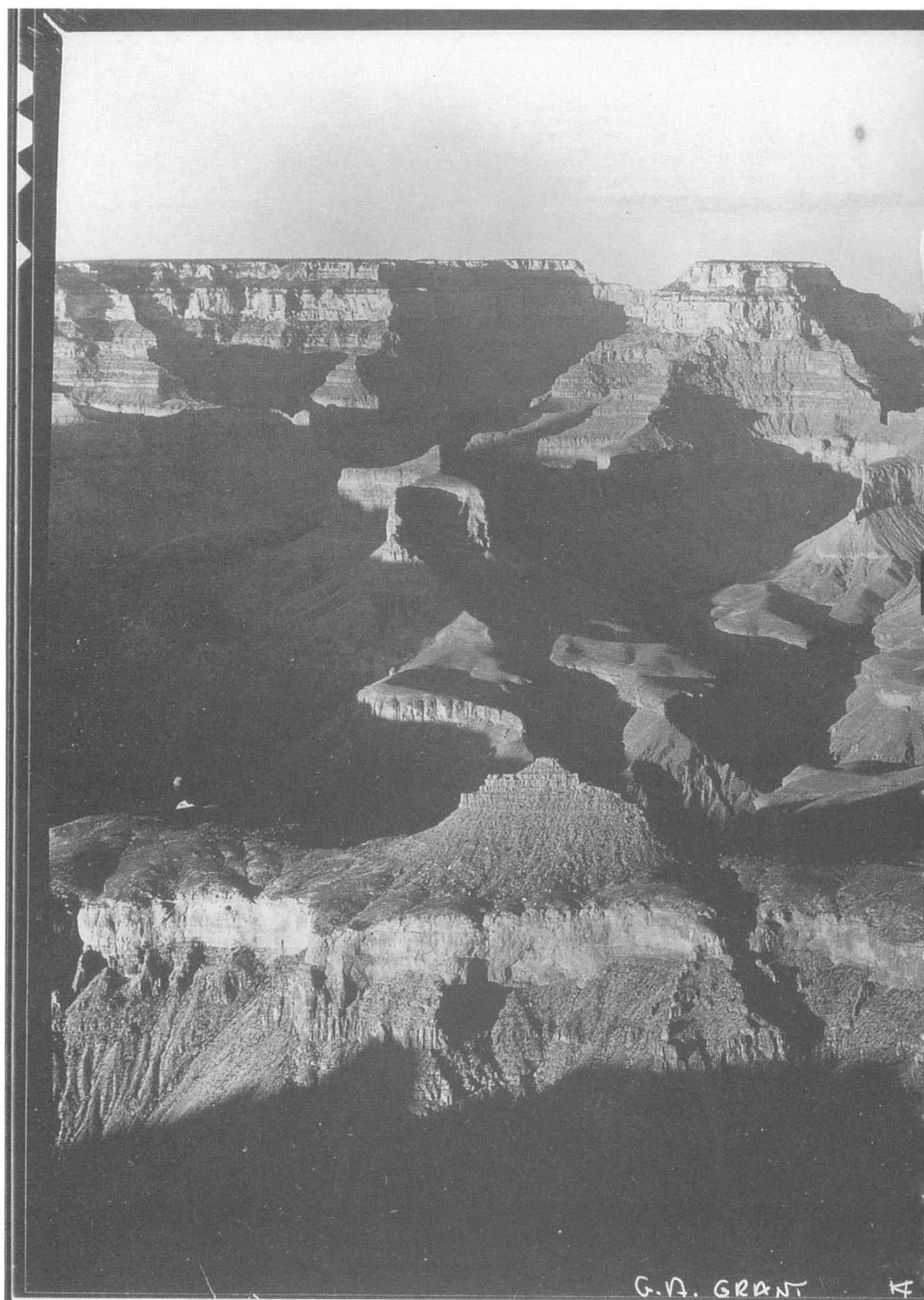
Figure 18. Chetro Ketl Ruin with Pueblo Bonito in the distance, Chaco Canyon National Monument, New Mexico (1907), incorporated in Chaco Culture National Historical Park in 1980. (Grant negative Chaco Canyon 130, taken 14 September 1934.)



SS

КАНОН — ЭТАП — ИСТОРИЯ





*Figure 19. Grand Canyon National Monument, Arizona (1908),
incorporated in Grand Canyon National Park in 1919.
(Grant negative Grand Canyon 411B, taken 6 July 1930.)*

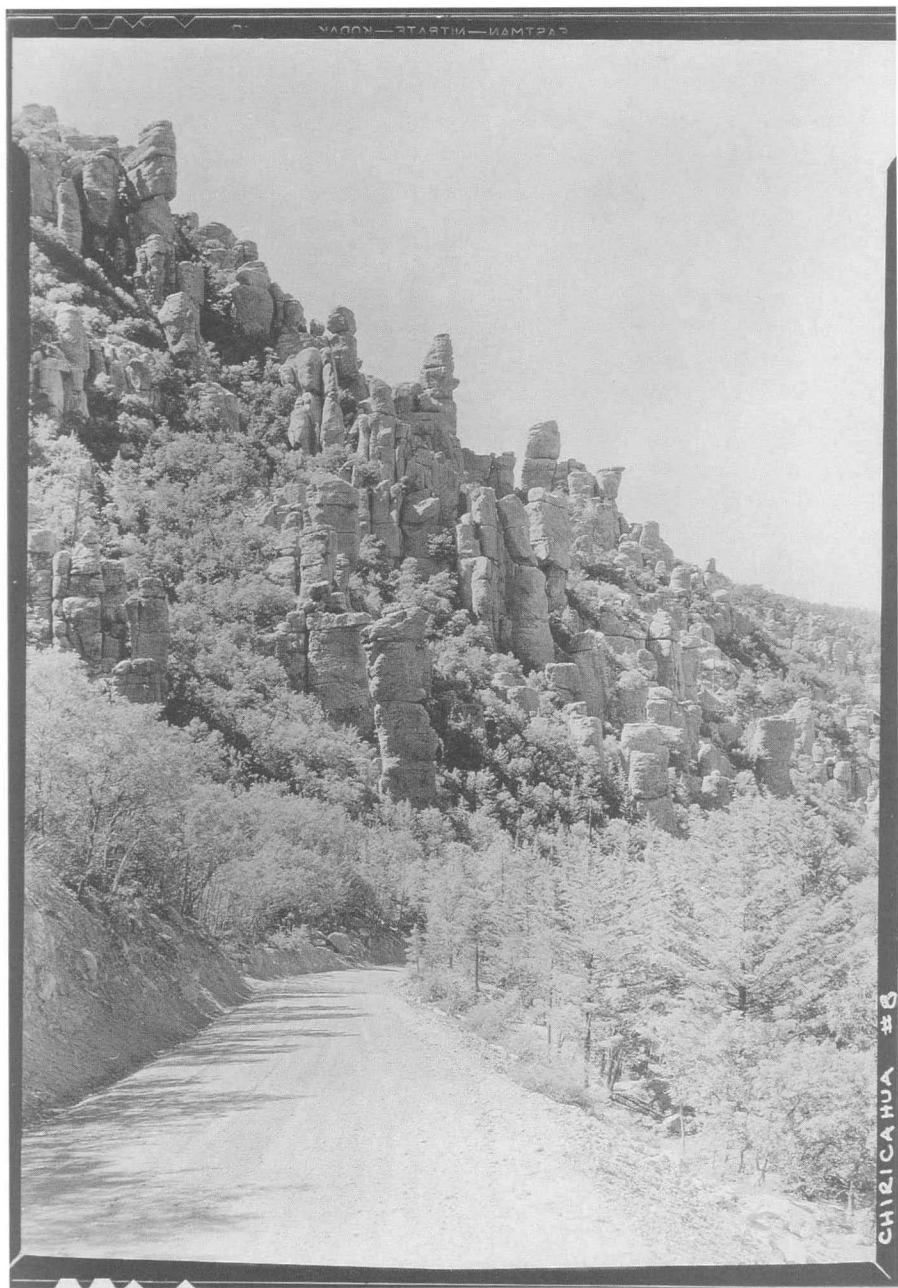


Figure 29. Chiricahua National Monument, Arizona (1924). (Grant negative Chiricahua 8, taken 7 October 1935.)



Figure 30. Wupatki National Monument, Arizona (1924). (Grant negative Wupatki 10, taken 21 September 1935.)

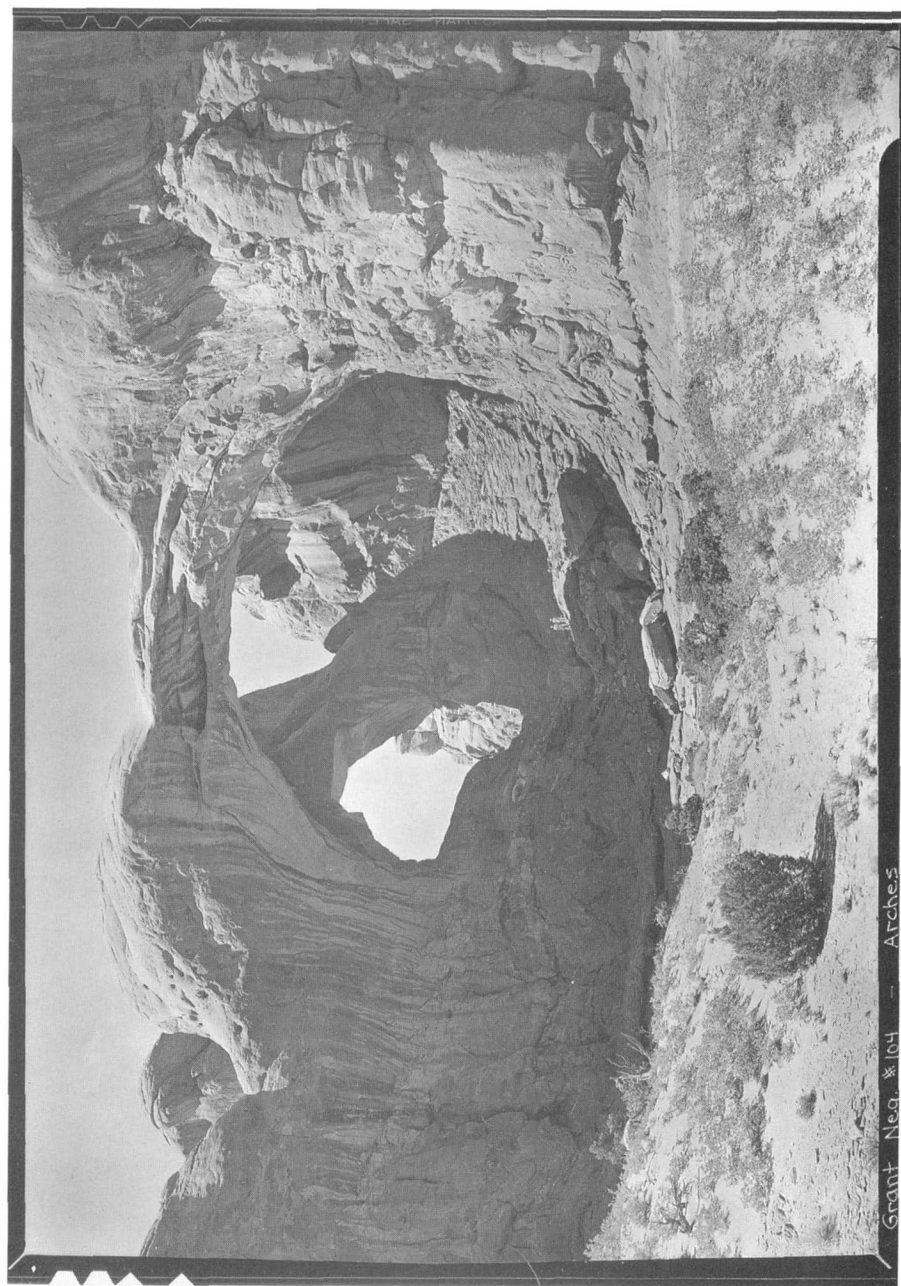


Figure 31. Arches National Monument, Utah (1929), redesignated Arches National Park in 1971.
(Grant negative Arches 104, taken 13 August 1939.)



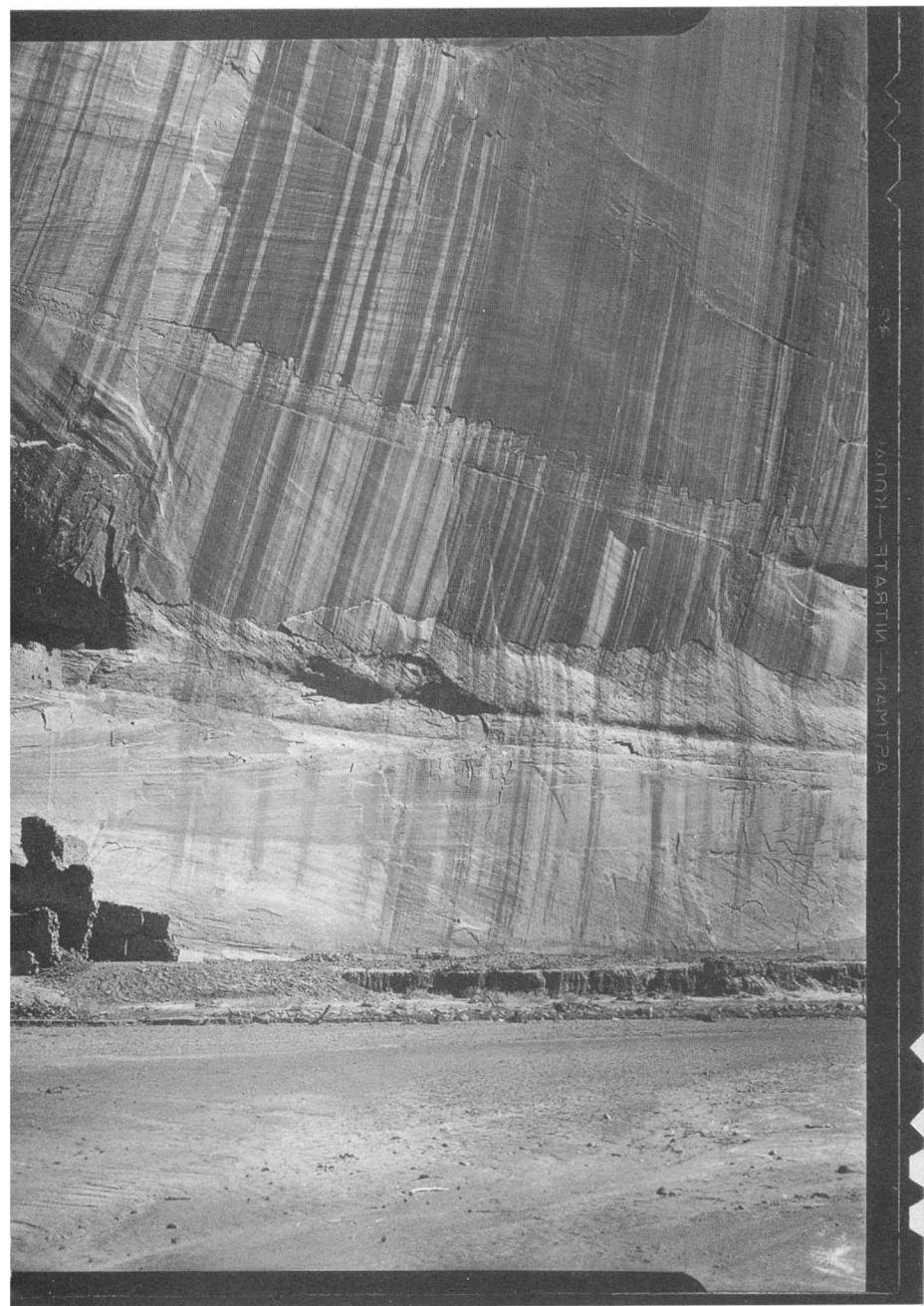
Figure 32. Sunset Crater National Monument, Arizona (1930), redesignated Sunset Crater Volcano National Monument in 1990. (Grant negative Sunset 1, taken 23 September 1935.)



SUNSET 1



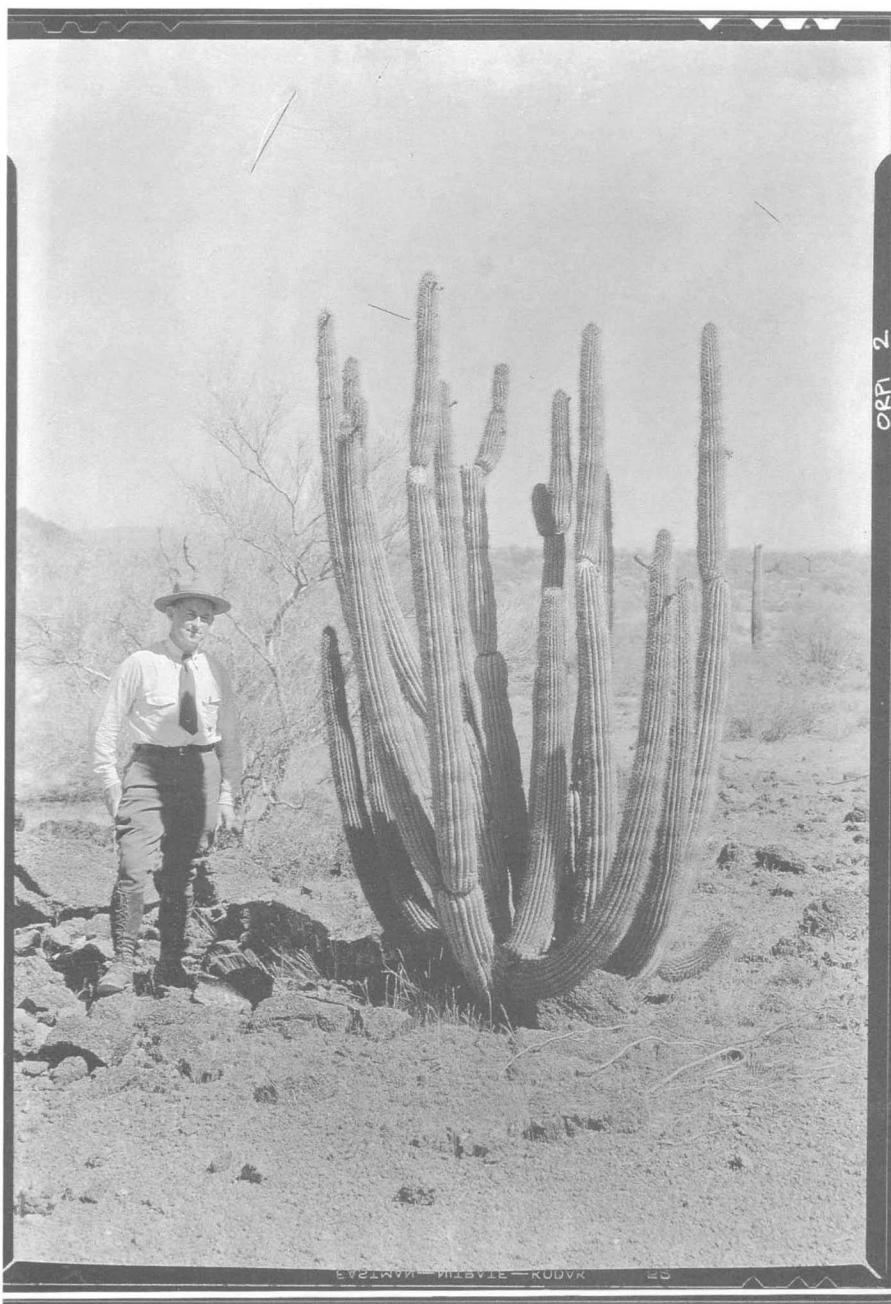
Figure 33. White House Ruin, Canyon de Chelly National Monument, Arizona (1931). (Grant negative Canyon de Chelly 2, taken 19 October 1932.)



АТЛАНТИКА — МИБЛЕ — РОУМ



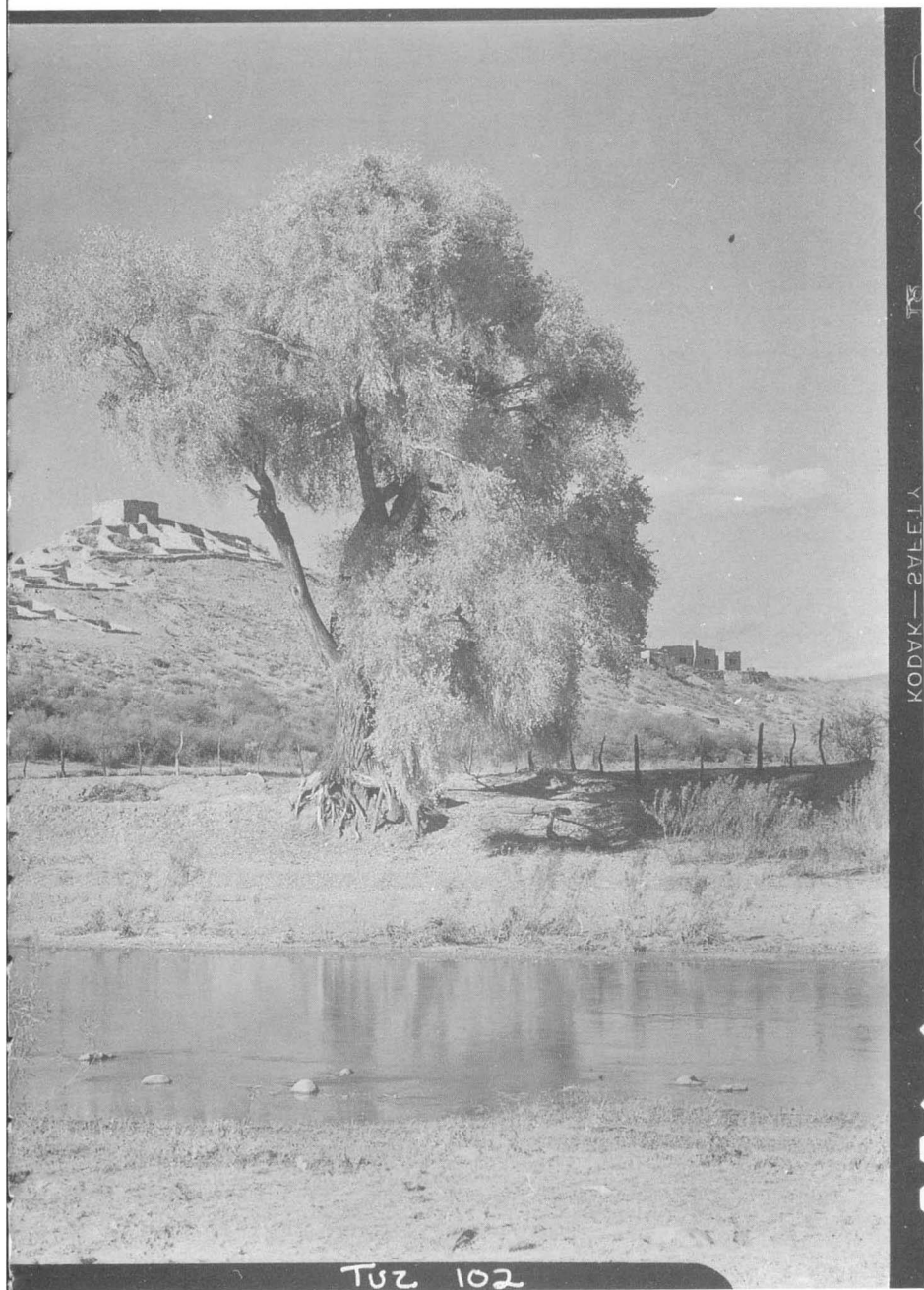
Figure 34. Saguaro National Monument, Arizona (1933), incorporated in Saguaro National Park in 1998. (Grant negative Saguaro 19, taken 4 October 1935.)



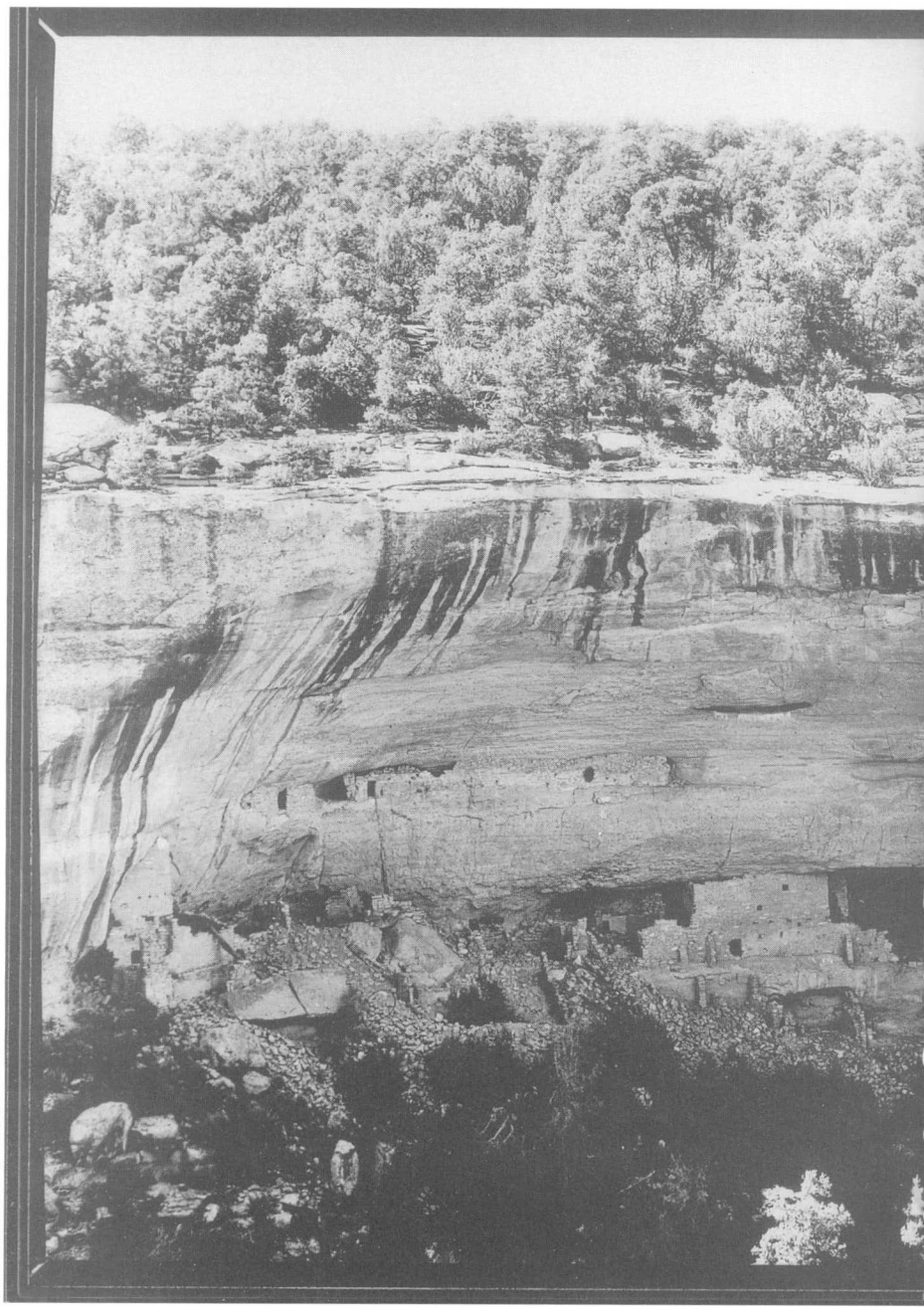
*Figure 35. Organ Pipe Cactus National Monument, Arizona (1937).
(Grant negative Organ Pipe 2, taken 19 June 1935.)*



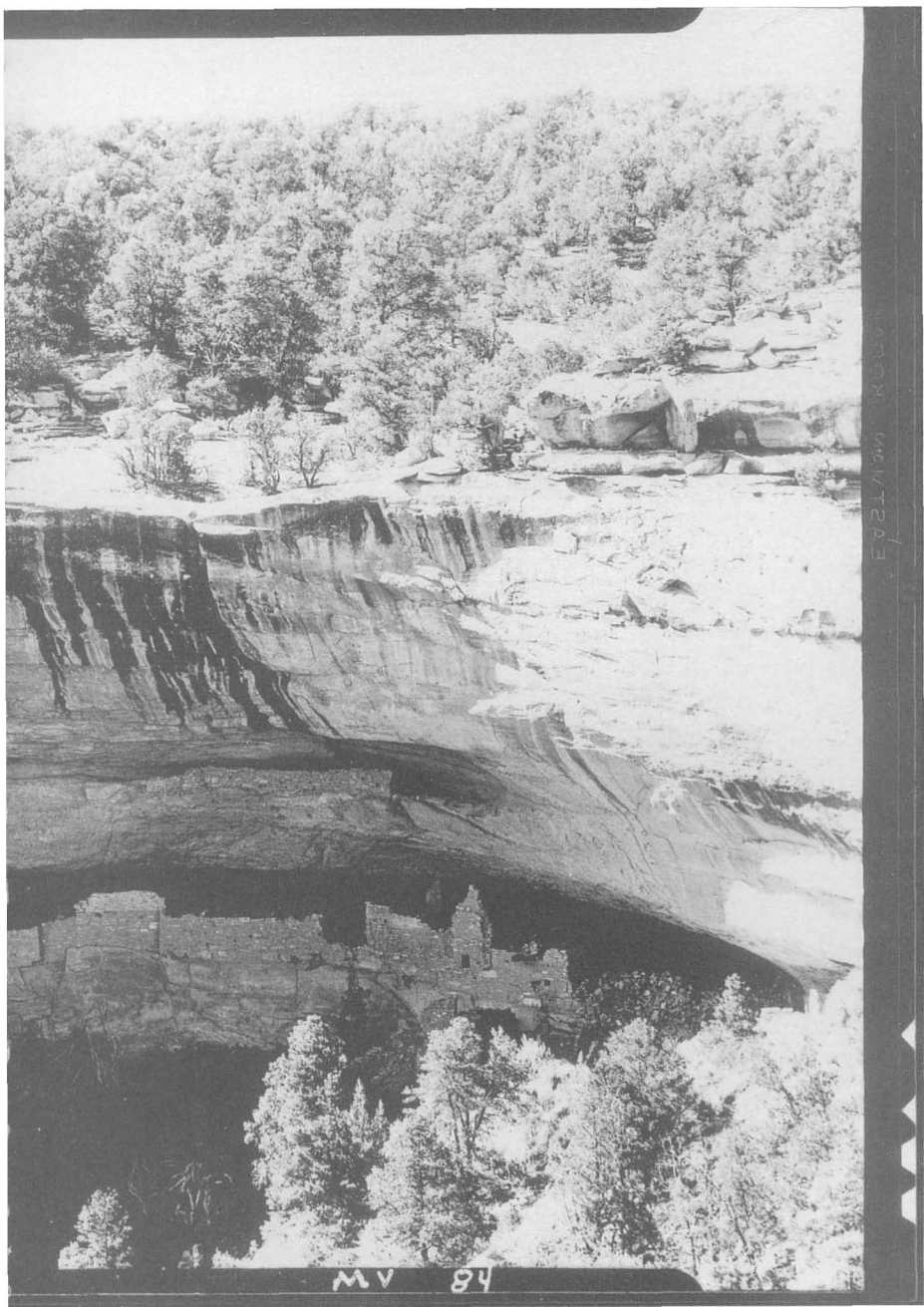
*Figure 36. Tuzigoot National Monument, Arizona (1939).
(Grant negative Tuzigoot 102, taken 30 November 1945.)*



TUZ 102

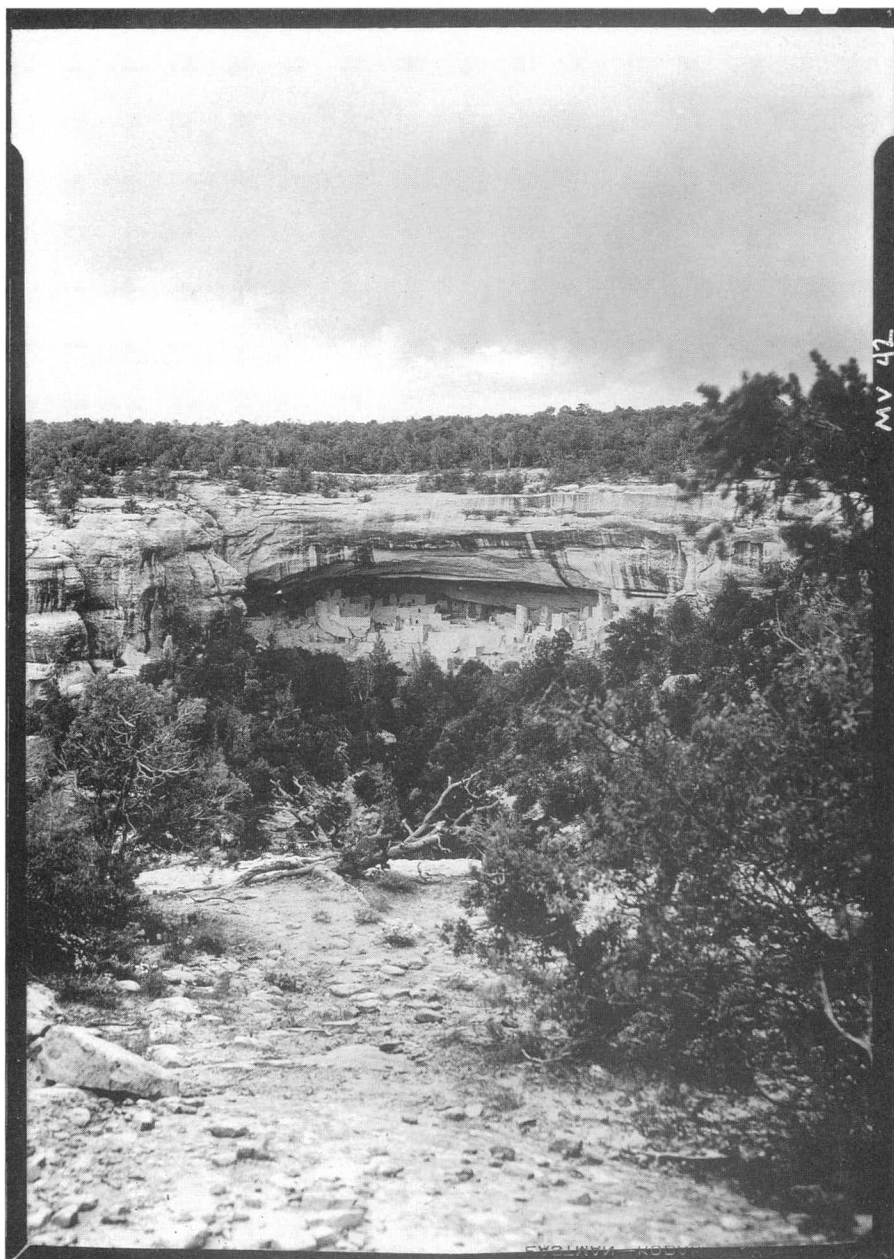


*Figure 37. Long House, Mesa Verde National Park, Colorado (1906).
(Grant negative Mesa Verde 84, taken 16 August 1929.)*



CLIFF TOP

WV 94



*Figure 38. Cliff Palace, Mesa Verde National Park, Colorado (1906).
(Grant negative Mesa Verde 42, taken 14 August 1929.)*

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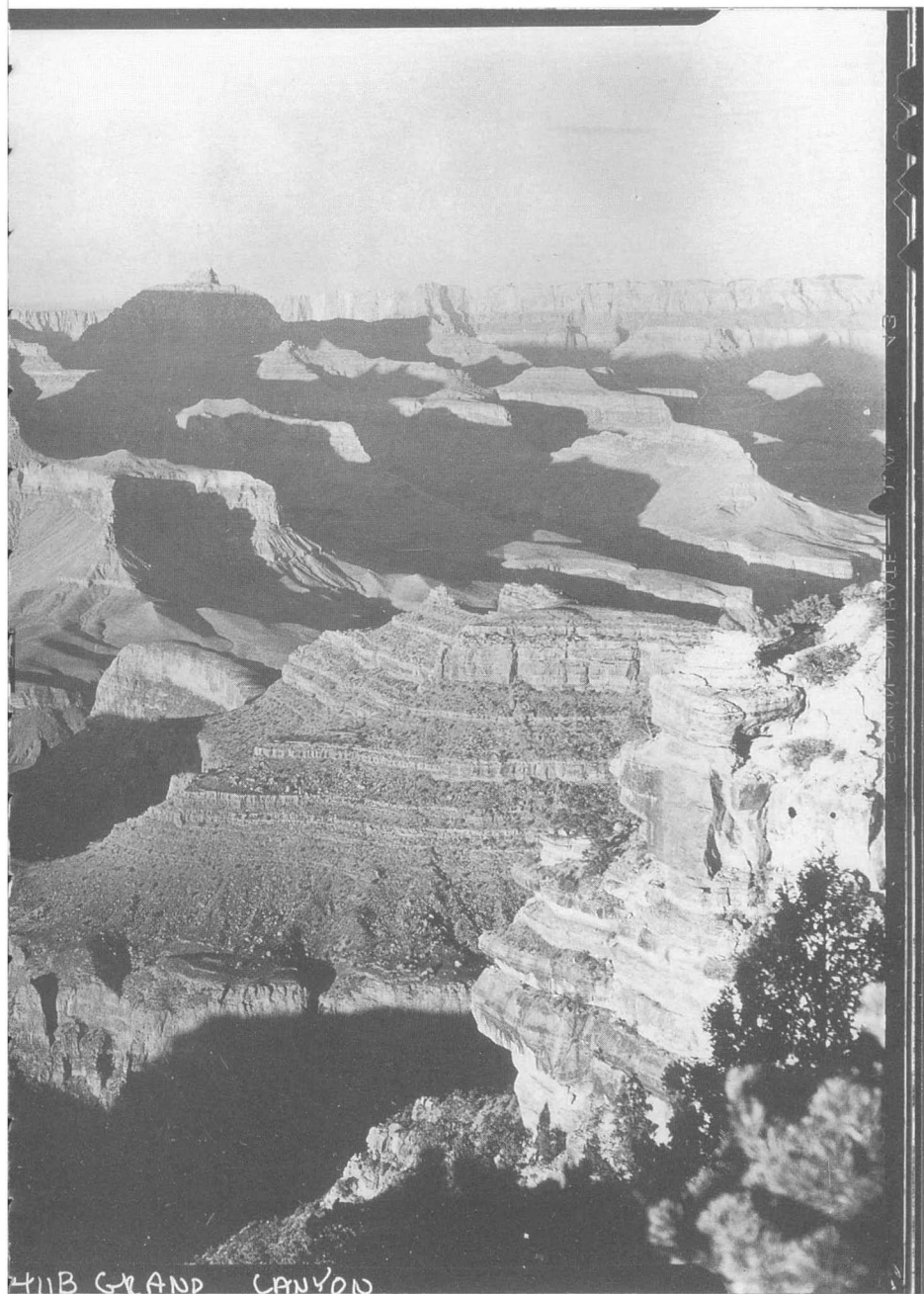
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411B GRAND CANYON

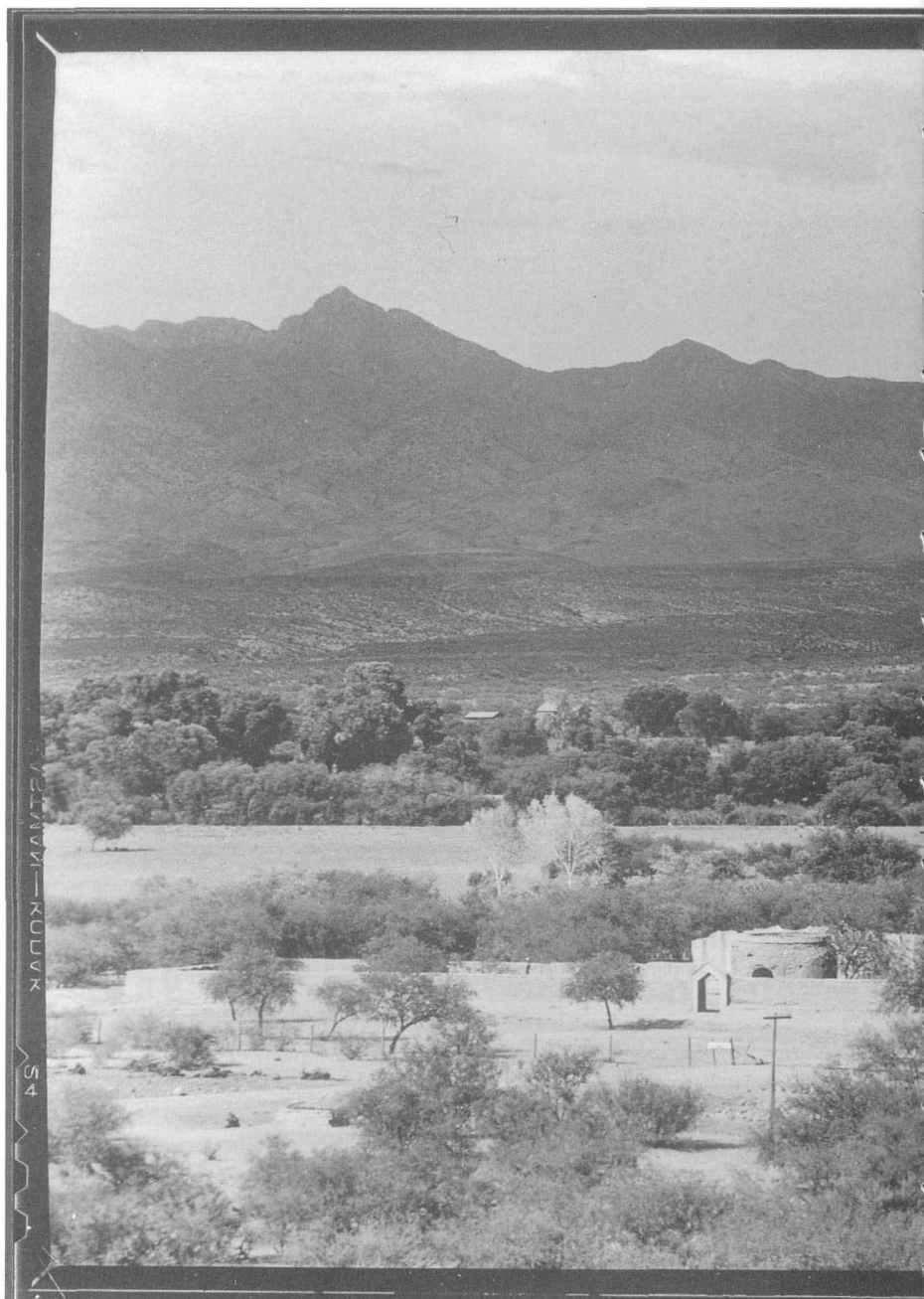
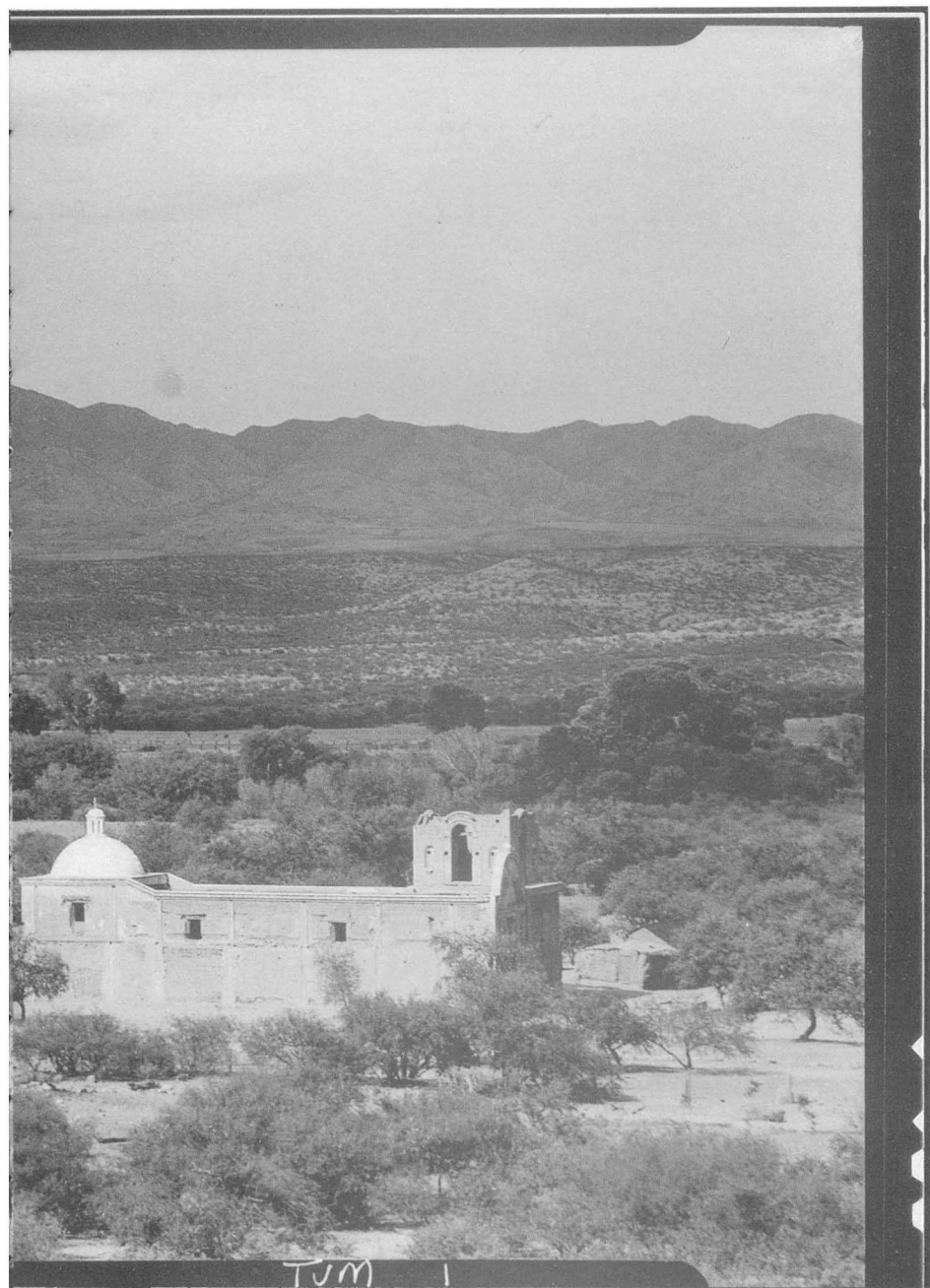
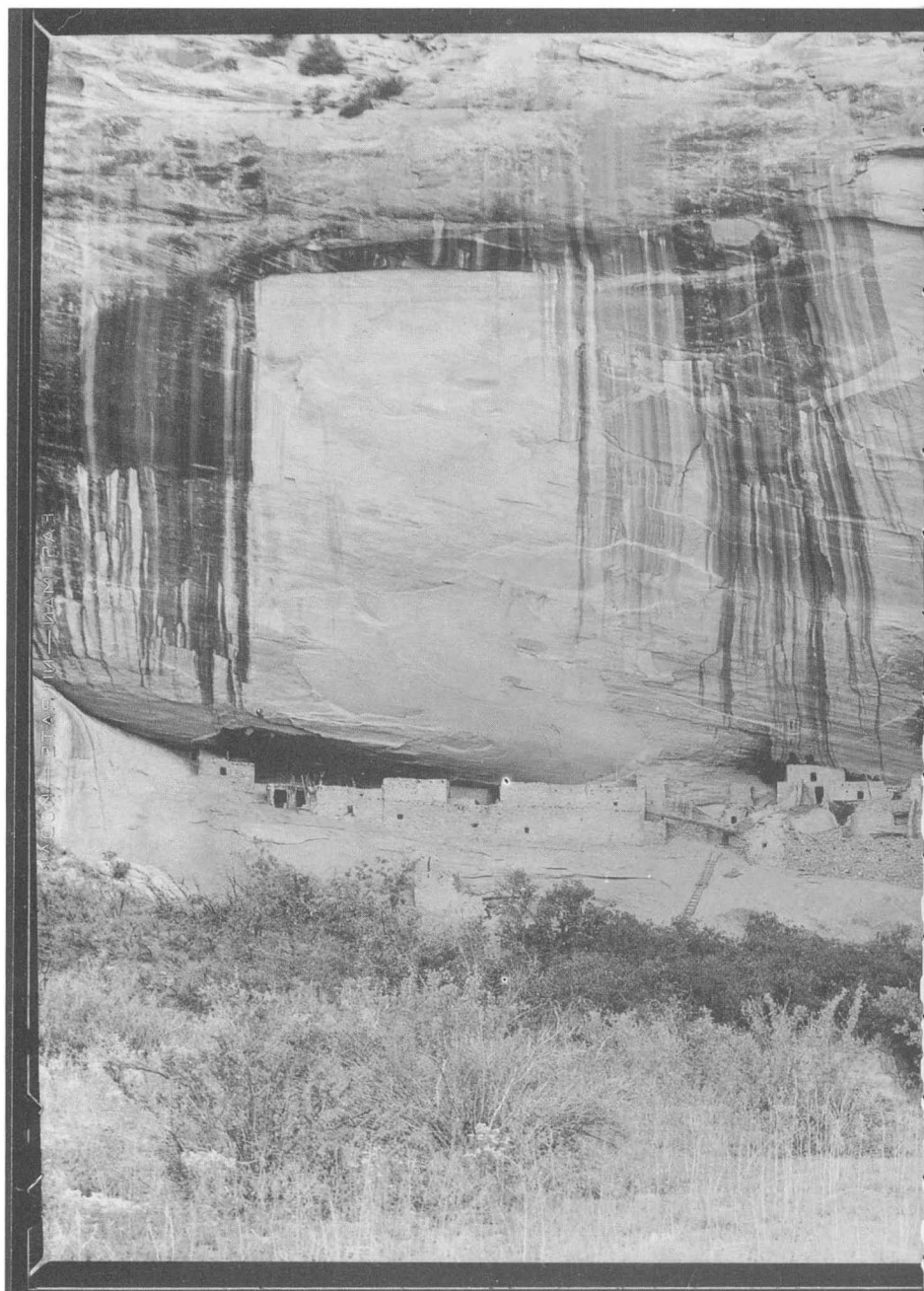


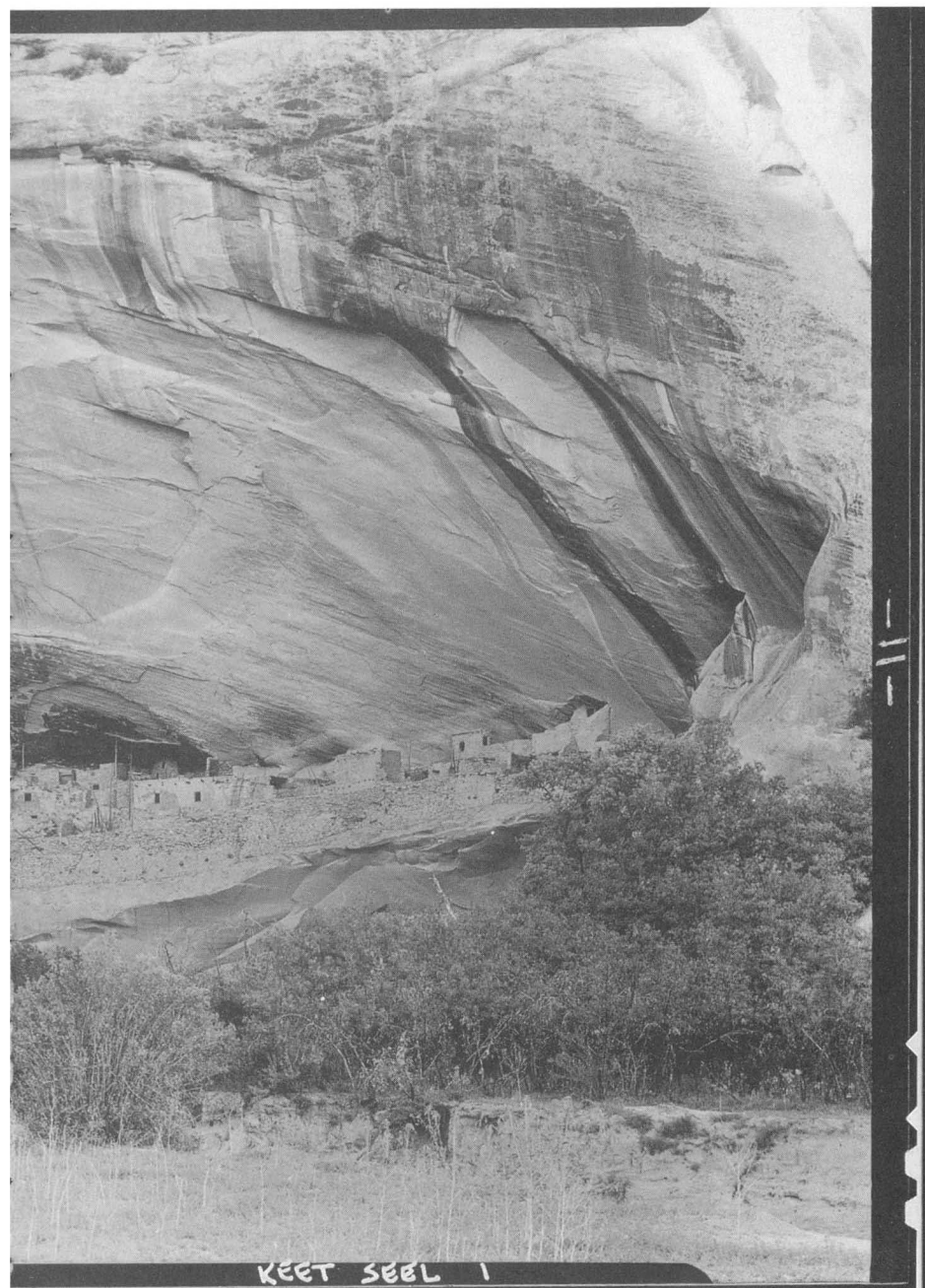
Figure 20. Tumacacori National Monument, Arizona (1908), incorporated in Tumacacori National Historical Park in 1990. (Grant negative Tumacacori 1, taken 18 July 1929.)



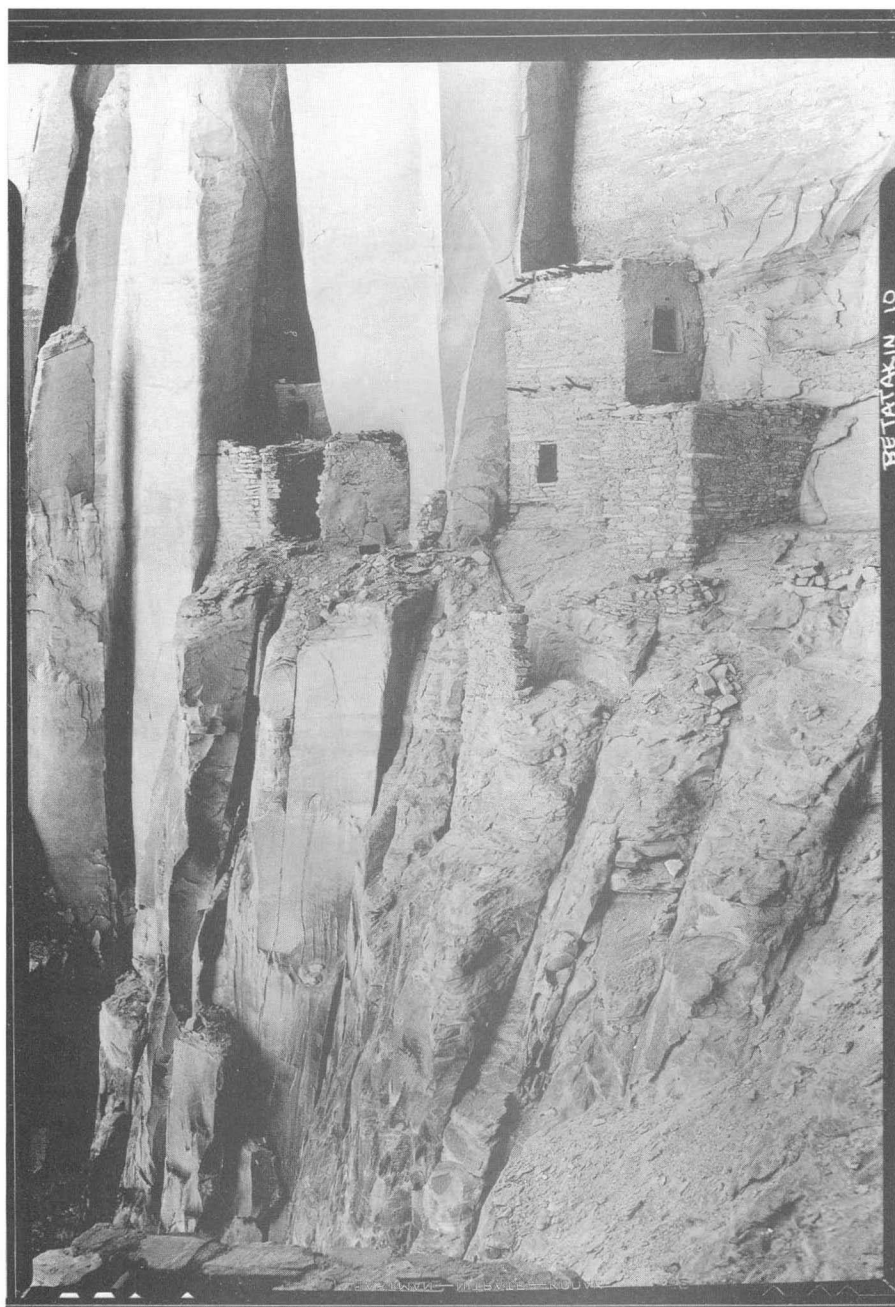
TUM 1



*Figure 21. Keet Seel Ruin, Navajo National Monument, Arizona (1909).
(Grant negative Keet Seel 11, taken 17 September 1935.)*



KEET SEEL 1



*Figure 22. Betatakin Ruin, Navajo National Monument, Arizona (1909).
(Grant negative Betatakin 10B, taken 16 September 1935.)*

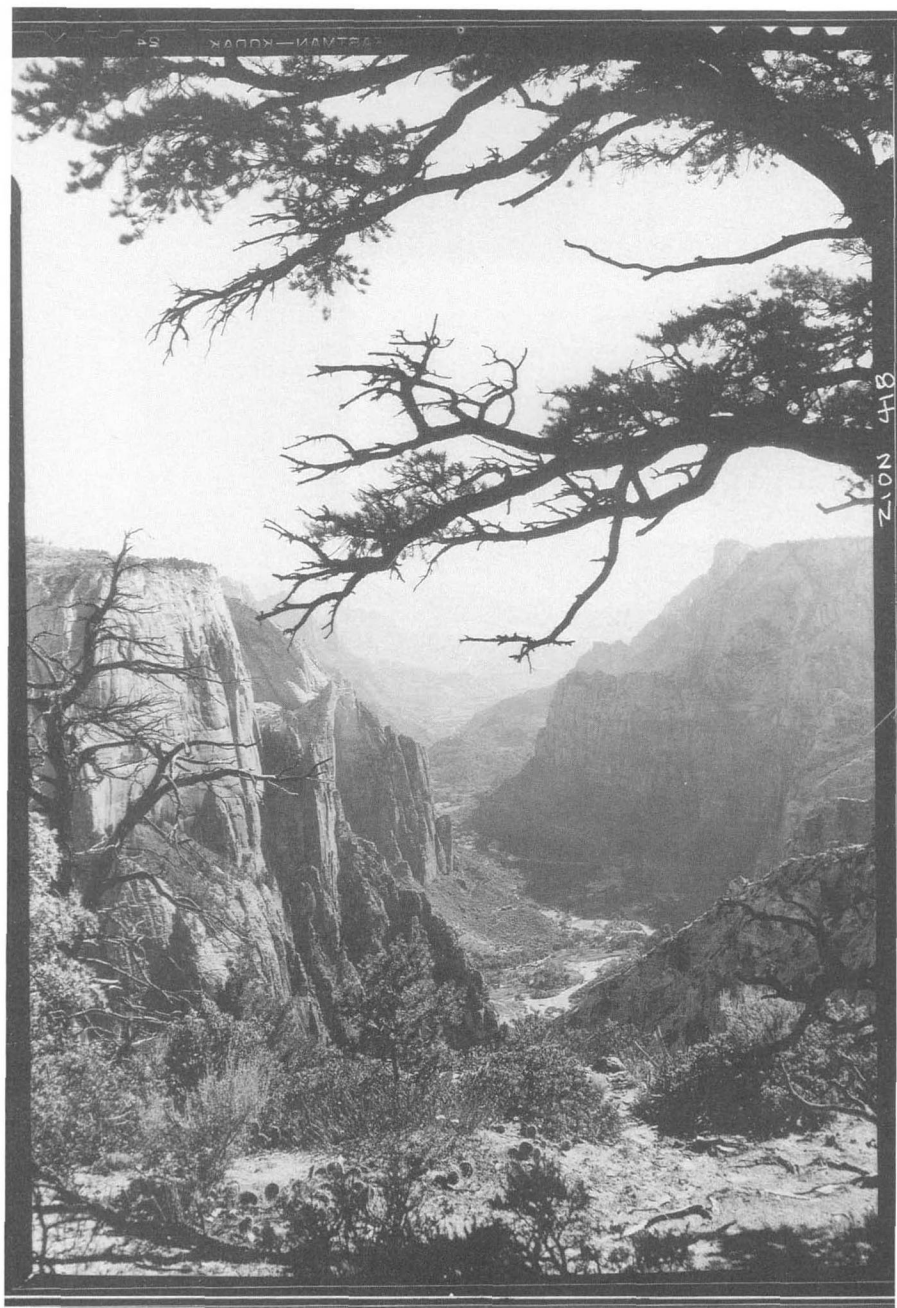


Figure 23. Mukuntuweap National Monument, Utah (1909), incorporated in Zion National Park in 1919. (Grant negative Zion 418, taken 12 September 1929.)



*Figure 24. Rainbow Bridge National Monument, Utah (1910).
(Grant negative Rainbow Bridge 29, taken 23 September 1946.)*



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RAINBOW BRIDGE #29



*Figure 25. Tyuonyi Ruin, Bandelier National Monument, New Mexico (1916).
(Grant negative Bandelier 59, taken 30 August 1934.)*

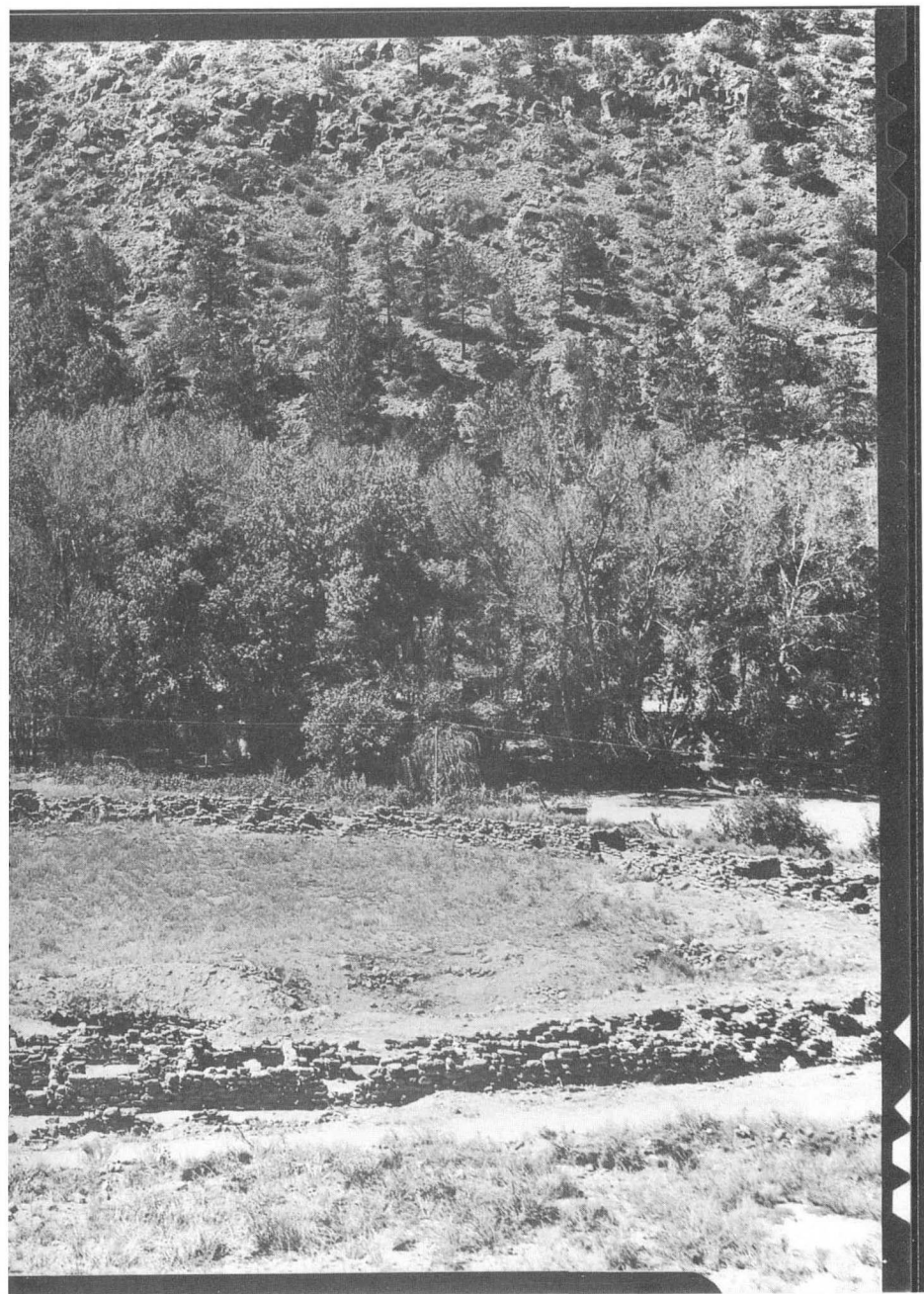




Figure 26. Casa Grande National Monument, Arizona (1918), first established as Casa Grande Ruin Reservation in 1892, redesignated Casa Grande Ruins National Monument for its centennial in 1992. (Grant negative Casa Grande 58, taken 20 August 1934.)

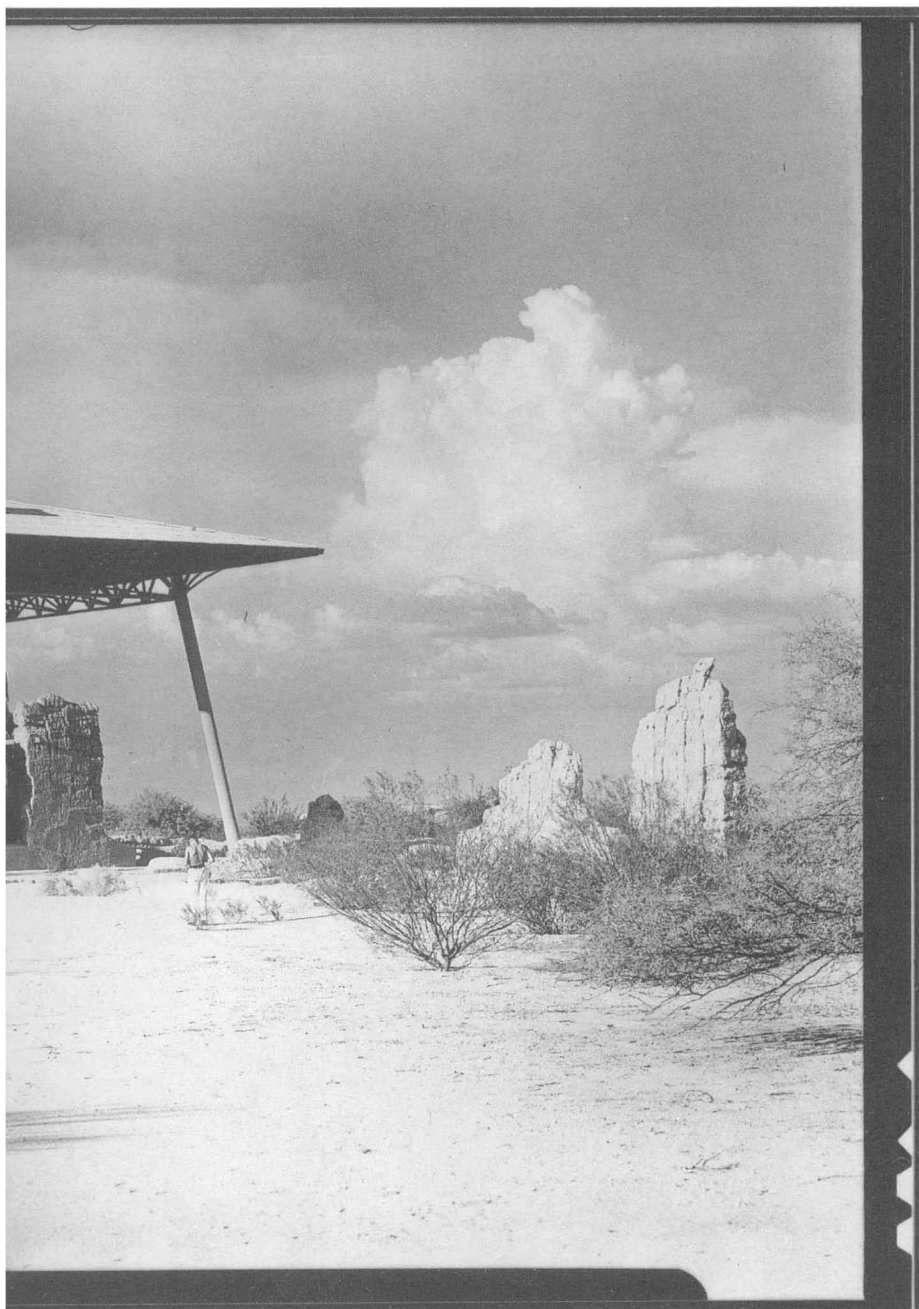
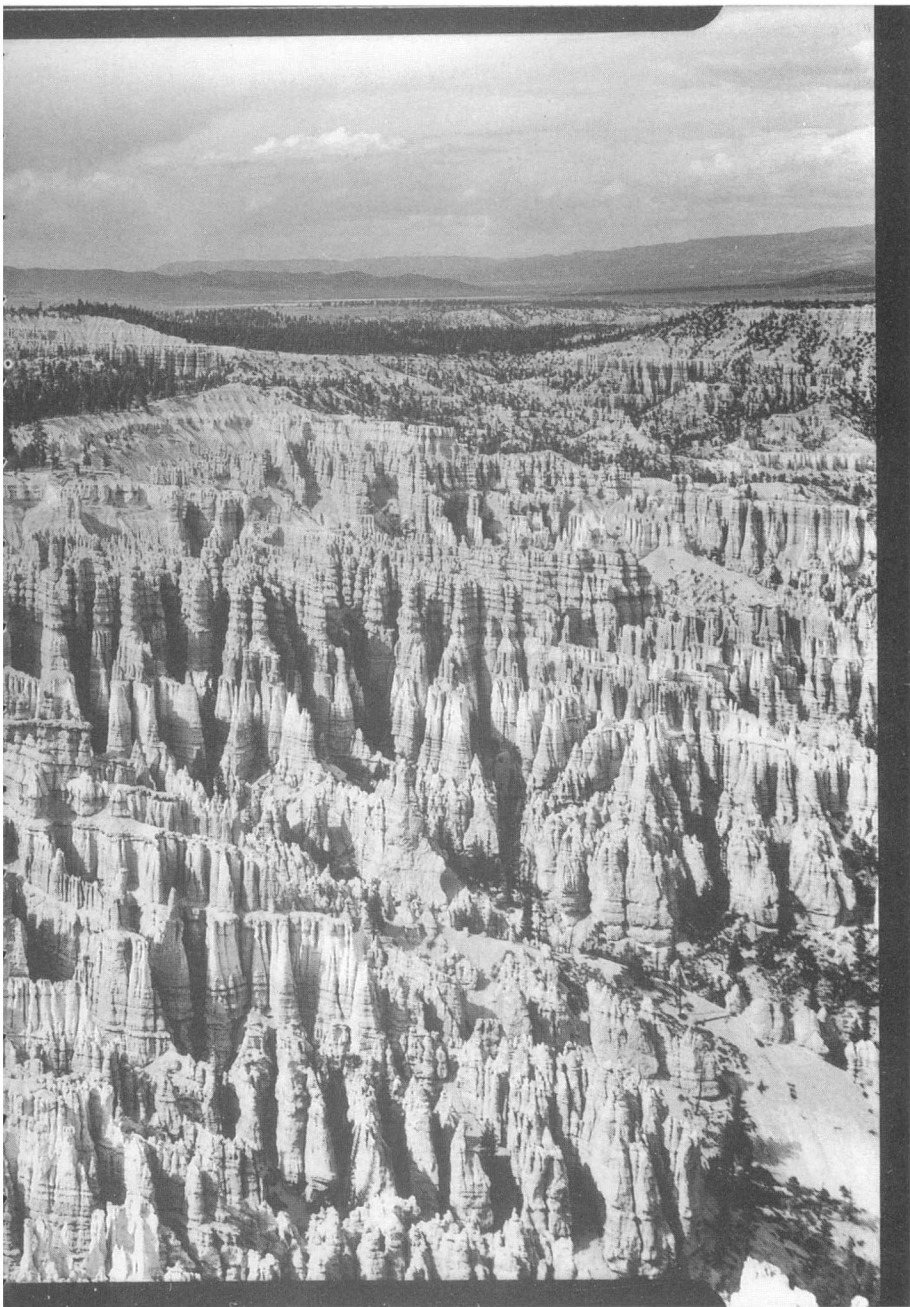




Figure 27. Bryce Canyon National Monument, Utah (1923), incorporated in Bryce Canyon National Park in 1928. (Grant negative Bryce Canyon 336, taken 16 July 1935.)



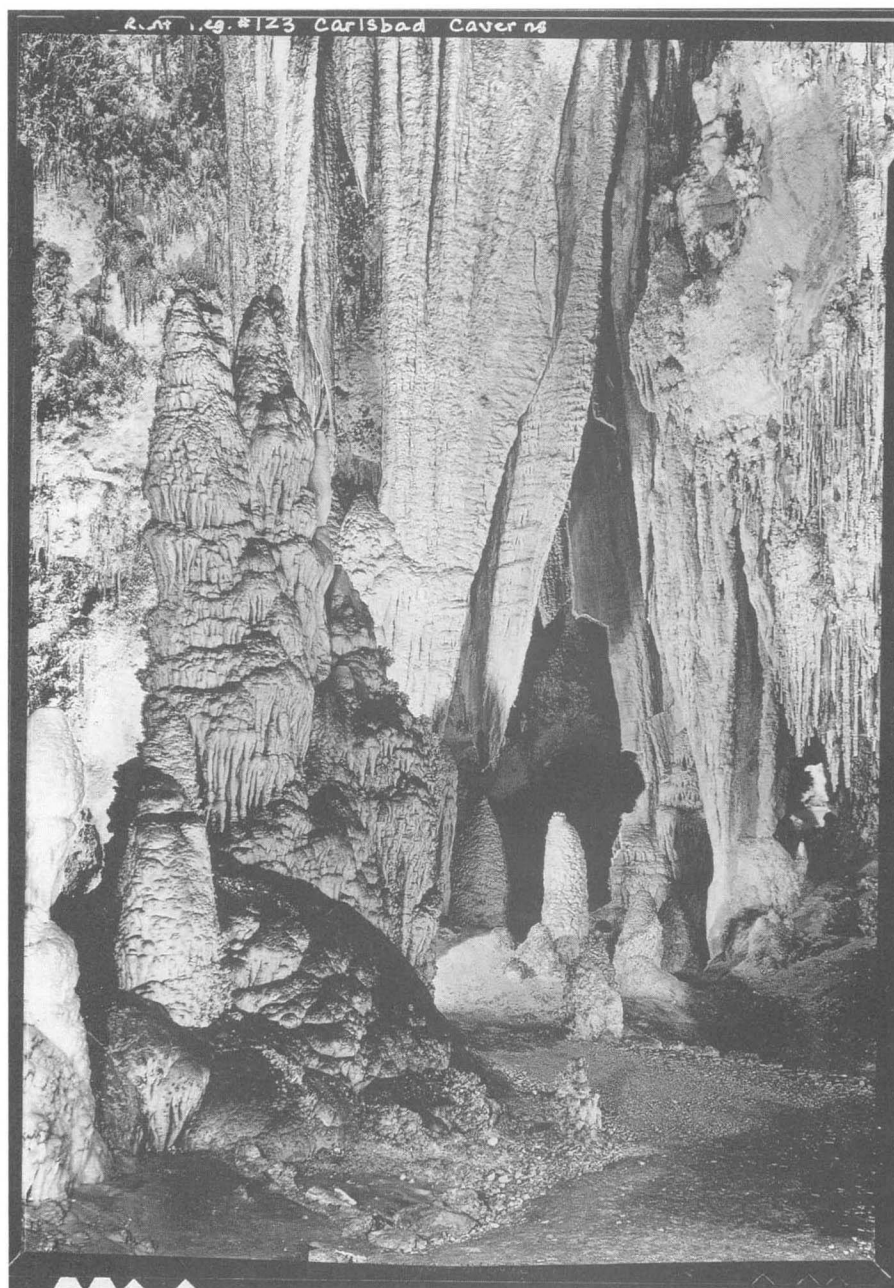


Figure 28. Carlsbad Cave National Monument, New Mexico (1923), redesignated Carlsbad Caverns National Park in 1930. (Grant negative Carlsbad Caverns 123, taken 26 October 1934.)

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 J. Southwest (2000) for an article
 on the development of the AA,
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 Edgar Lee Hewitt. It took some 25 years

* indicates references used by Lee 1970

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